[Shri Inder Kumar Gujral]

The new economic policy is, unfortunately, working in the reverse. Two days ago, the Minister announced some new rules. They are now permitting the major industries, the multinationals, and are delinking the major industries, the multinationals, from export obligations. Now, export obligations are also not there. Therefore, you see a situation whereby those whom you were trying to force in the last one decade, all the Governments that came into office, to import by emphasising a great deal that if they were to import, they must export, you are releasing them. You have now released them and, therefore, that obligation also is not there. I do not know who will then export and how much exports will be there and how we come out of this situation. It is because of the ideology of liberalism so well quantified by the World Bank and the IMF and it cannot be reversed here. We are trying to tell that this is the only way to survive and it also looks as if it is inevitable. It is a sad thing for the whole country and for the Government also. If it is for the Government only. I won't mind. But since it is sad for the whole nation, I feel worried about it. In the 'eighties' the same thing was told to us and a big propaganda was there as if the festivals outside, the high rate of imports of goods, high rate of loans and all that would us in a paradise. Now, we have seen in the 'nineties' where that paradise is. This is the situation now.

Again, Mr. Mann, who spoke just now, was saying that you are going into new areas. You have to import wheat also. Edible oils were already bothering us and petroleum products were already worrying us. And now you are going in for other items also where you are trying to go in the interest of the foreign exporter only. I do not know how the World Bank will be unhappy if we import wheat or edible oils. The end result is going to be that your imports are going to go up and the situation is going to cause us a great deal of anxiety as time passes.

We have often talked about the Dunkel Report and the GATT and that not. Unfortunately, the Government has not taken us into confidence. A Committee was appointed, a Committee of the Cabinet, under the chairmanship of Mr. Arjun Singh and I had also the privilege of appearing before them. They think that it is too dangerous for them to come out with the Report and the Chairman felt perhaps that a trap, a political trap, was being laid for him. So, he was saying that he was not going to give us any report, that we had to discuss it in Parliament and that the nation should debate it. This is not the way to react to the Dunkel Report. Well, the multinational trade negotiations are unlikely to secure for us a better success in the world market. The rapid and across the board liberalisation of imports will only compound difficulties by imposing severe straining on the BOP situation. Moreover, the promise of foreign direct investment is unlikely to provide a significant relief, and certainly not in the near future. And we know what is happending. The resources abroad are not available. In the last one year, ever since the new economic policy hsa come in, we had a massive investment of 300 million dollars. And what is happening? And it is coming in what? You are having Pepsicola, you are having breakfast foods. What are we taken for? And the thing is that tomato—Ketchups are now being made by the foreign investment. Add to this the Government's policy. They have promised that in the next three years, import of capital goods will be totally liberalised. What will happen? If you look at the economic figures of any industrialised country today, they are having a glut of these machines. They want to unload them and we, like all suckers, are trying now to import them. Totally remove all the barriers, and you will have a glut of the capital goods. The end result will be that whatever base we may have built up in the Nehru's era and after that we will be having a serious difficulty. The world market is such that dangers of dumping are very serious. And I would like to understand from the Government that apart from making platitudinous assur

unces and all those things, are their policies in conformity with this?

Now, we have the experience of the new economic policies for the last few months. Let us understand now at least that it has been myopic. Let us now appreciate that it has been fragile and that it has not done inflation control. The gut issue of exports is inflation control. No exports will catch up unless you are able to manage the inflationary trend. And for this, now the measures are very strange. For instance, as I mentioned just now, to control inflation, you are now importing consumer goods so that that you think that the prices can come down. Can the prices come down like this? And if they come down even, say, in one area or the other, at what cost? And in order to reduce the Government expenses, what areas are suffering? These are social services, education, health and all those things on which the nation has to stand. You are now cutting on those in the name of cutting down inflation. Regarding inflation, the new economic policy relies primarily on fiscal adjustments. And my friend, Mr. Yashwant Sinha should be able to tell us better about this because he has dealt with this. And he would endorse this idea that resort to imports of mass consumption items is not the way. The route to fiscal adjustments has been through constraints of invesment on social sectors, as I mentioned earlier. The revenue deficit of the Government has, in fact, increased. This is another area of anxiety. And the reduction in the customs duty has been offset by the devaluation effect of the partial convertibility. What is the net result? The net result is that costs have been pushed up and are persistently going up, and the demand is coming down. Therefore, now you are getting caught up into new dilemmas and new situations.

In the export promotion, we are trying to think of models that can help us. Often in the media and in the House, we talk of Japan, we talk of Korea, and we say that they have done very well. But anybody who is a student of economics, anybody who understands the Korean model or the Japanese model knows that there was a certain central point in their growth. And that central point was that their export sector was developed without harming the domestic sector. As a matter of fact, their export sectors have been so conditioned and tailored that they are helping the domestic sectors. And ours is the reverse. Everything that we think of export sector is trying to harm the domestic sector. Therefore, we feel that a hazardous situation for the domestic sector is developing.

I do not mean to discuss the new economic policy today. I wish we had the opportunity to do so. I wish we had a review done. I wish the Government had the courage to tell us that, of course, we deflected from the past, but let us come back to the rght course. But I see that courage lacking. Let me suggest all the same a few things that can, perhaps, in the short term, help exports. These are not many. One is that some people come and tell me that while you have given concessions to various industries in the matter of income tax, on exports, consultancies have not been given that much. They have been given only 50 per cent of the concessions. I think that is one area where India has a lareg intellectual capacity today. There are architects; there are designers, and so many people are there who can be encouraged. Now, if an architect designs a building, say in Timbaktoo, then you give him 50 per cent concesson. But if somebody exports tobacco, you give him 100 per cent concession. This is something which has to be looked into and I would suggest that something should be done about it. Similarly, software export is still not as much as it should be. That is one area which can help us in exports.

The interesting part of liberalisation is that while liberalisation is there on paper, in actual practice it is with the inspectors. I heard today a very interesting complaint and that is that some garments exporter here had imported very delicate laces from Japan and they are lying in the Customs godowns. An inspector comes to him and asks for money and says that if you do not pay the money, he will ask for everything to be

[Shri Inder Kumar Gujral]

opened. Therefore, all the laces will be opend. You can't reassemble them. Therefore, the best way is to pay money and get out of it. That is the situation that is coming up.

SHRI CHATURANAN MISHRA (Bihar): Do they want to liberalise the rate also?

SHRI INDER KUMAR GUJRAL: Definitely it could be playing havoc with your entire liberalisation. I think you will have to set up a mechanism and a system so that people can come to you and an exporter is believed *prima facie* till he proves otherwise. I think something will have to be done in this context.

Similarly, I talk about the export incentive that you have given. I am told that various old claims of the order of about Rs. 500 crores are lying pending in your files for more than one year and people have not yet been given the amount. Similarly, the duty drawback system has to change. For duty drawback, the exporter comes to you and then your office issues something and corruption creeps in, and then he goes to the bank. Why don't you authorise the banks to do it? You can easily ask the banks that as soon as the remittance comes from abroad, they can give the duty drawback straightaway. The end result will be that it will be a more efficient system.

Partial convertibility was perceived as a due compensation for withdrawal of other concessions, for withdrawal of other incentives. But now the interesting thing is that partial convertibility is not helping. It does not adequately match the incentives that you were giving in the past. For trade purposes, you might examine the prospects of giving 100 per cent convertibility. That is my view. I am not pleading for total convertibility in the broad sense. I am only saying that at the moment you are giving 60 per cent convertibility to an exporter. Kindly examine the implications of giving 100 per cent convertibility. I am not pleading for it. I am only saying that a case study may be conducted whether incentives given in the past match with 60 per cent convertibility or not because some exporters have met me and told me that it does not match. Some papers have also written about it and I have recently seen an article about it.

SHRI JAGESH DESAI: If that is done, then where from will they be able to purchase oil and other things? That is the reason why it is only 60 per cent convertibility. My point is basically different. It is that the benefits which the exporters were getting otherwise are now equated with partial convertibility. If it is not matching,—I am only asking the Minister to examine it; I am not pleading for it—kindly have a look into it.

Similarly, there is another plea, from the hundred per cent export units, hundred per cent export processing units. They are facing problems with the inspectors more than anybody else. Therefore, I would suggest that you should set up some sort of an enquiry into the whole thnig. I would just give one example. In the case of the hundred per cent untis, they are asked to file a list of their machinery, building, etc. Then, the inspector comes and says: 'You have filed the list, but a cable of your building is having a light in the other building. Therefore, you come again. I am not saying whether it is right or wrong. But kindly call the associations and discuss it with them because this is something which needs attention.

Having said all this, I will wind up by saying this. Mr. Minister, I know your difficulties. You are not the architect of the economic policy. But whatever voice you have, even if it is feeble, please tell the Finance Minister and the Prime Minister that the myopia must and because the new economic policy is taking us to hell and not to development. Thank you.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Dr. Jain to reply.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): Mr. Vice-Chairman, Sir, yesterday, I moved the Resolution of Disapproval and initiated the debate. My disapproval was not total. I had quali-

fied it by mentioning the points on which I supported the Bill. There is no need for me to repeat the points for which I moved the Resolution of Disapproval. Most of the Members who spoke from this side pointed out why this should be disapproved.

Sir, it has been a very interesting experience for me, while sitting throughout the debate. I belong to the main opposition party. I formally moved the Motion of Disapproval. Even then, I supported the good points in the Bill and I complimented the hon. Minister. For example, they have shifted the trade regulations from criminal jurisdiction to civil jurisdiction. This sort of an attitude would send the right signal to our traders and it is to be welcomed.

Now, all the Members from the ruling party, except saying one sentence in the beginning that they support the Bill, were critical of the Bill. If you kindly read their speeches, you would find that they were severely critical of the Bill, in toto.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): They were suggestions.

SHRI V. NARAYANASAMY (Pondicherry): They were suggestions. It was not criticism.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): We are not bonded labour. We are a democratic party. Not like you.

SHRI V. NARAYANASAMY: We are not like the BJP. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Don't answer the interruptions, Dr. Jain. You go on.

DR JINENDRA KUMAR JAIN: I am not commenting on the internal functioning of the ruling party. The point I am trying to make is this The hon. Ministers in charge of this Bill, namely, Shri Kurien and Shri Salman Khursheed, owe me a favour. It is because I did not speak from a partisan point of view. This is the spirit we should have in Parliament when we are dealing with important subjects like this, i.e. foreign trade, which is very crucial today. We must earn foreign exchange. The hon. Minister should also have a similar attitude towards the constructive criticism of suggestions coming from the opposition parties.

One of the things which has been mentioned, to which I would like to make a reference, is corruption. This corruption in our administration of foreign trade is ruining our efforts. I am not talking of the personal greed and corruption. I am talknig of the procedures which breed corruption. There is delay. When an application is made, there is no effort on the part of the Government to dispose of the application within the stipulated time.

On the other hand, I have come across instances where even if it is a straight request which can be granted, the officer concerned says that if it is agreed to, somebody may accuse him of having had some corrupt dealing.

In a nutshell, there is a premium on inefficiency. If there is delay, no explanation is called for. Sir, in a dynamic process like trade, delay inspires traders to corruption. You should have procedures and rules to eliminate delays.

There is one more thing about inspection agency. We have our own inspection agencies for our exports. I am talking only on exports now. I fully support the view-point that we must have quality control to maintain the standards of our export goods, but not for all the items. I give one specific example just to illustrate the point how our inspection procedures are defeating our own efforts. It is not an exhaustive list. Take the area of electronic software, like computer software and video software. There is a stipulation that everything of video software intended to be exported should have a censorship certificate. Now there is a tremendous demand in the world market for video software from India, but we are not doing anything. There are a number of producers all over the country. If Doordarshan is not able to exploit and utilise their entire production they should be allowed to sell in the international market. Nobody will question if anything goes through satellite, but video software

[Dr. Jinendra Kumar Jain]

which can bring you substantial money, has to be given a crtificate by the Censor Board. And the Censor Boards are non-existent. Right in the capital city of Delhi I do not know whether the Minister knows that there is no Censor Board. Only an officer of the ministry of Defence has been designated to be the Censor Board. He is a fulltime officer of the Ministry of Defence, with no mechanism. If you have such part-time people trying to give inspection certificates, how can you find a break-through in export market? This is just an example or an illustration. The sum and substance of exports is to earn foreign exchange. We should encourage everything that brings us foreign exchange. A point was made about lack of coordination. There is a lack of coordination between the Ministry of Commerce and the Ministry of Finance or the Ministry of Textiles or the Ministry of Agriculture. I would like to plead here that the hon. Minister should consider a 'single window agency' concept. For industrial development a number of State Governments are already following this concept to help entrepreneurs. The hon. Minister should declare that the Ministry of Commerce will set up a 'single window agency' which will comprise all the officers of concerned Ministries should be put together so that all the problems pertaining to exporters will be taken care of at one time. This concept of a 'single window agency' will go a long way in dealing wtih the problems of exporters. (*Time Bell rings*)

Sir, I need to take notice of the points raised during the debate. I do not know whether you will give me another opportunity.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): No, your time is over. That is why I rang the bell.

DR. JINENDRA KUMAR JAIN: I have moved the Resolution. I am replying to the debate. I have to react to some of the points...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): That is why an opportunity was given to you. Mr. Jain, you have exhausted all your time. You have got one more minute to complet your reply.

DR. JINENDRA KUMAR JAIN: you want to debate these points...

THE VICE-CHAIRMAN (SHRI H HANUMANTHAPPA): This is parli mentary debate. You cannot go on spea ing for hours together.

SHRIMATI JAYANTHI NATAR JAN: You should confine yourself to.

THE VICE-CHAIRMAN (SHRI HANUMANTHAPPA): You have gone Censor Board unnecessarily.

DR. JINENDR KUMAR JAIN: C sor Board is the inspection agency.

THE VICE-CHAIRMAN (SHRI HANUMANTHAPPA): Now do not a wer. You will further lose your tin

DR. JINENDRA KUMAR JAIN: Mr. Jagesh Desai has asked a questi whether the Minister would reply ...

THE VICE-CHAIRMAN (SHRI HANUMANTHAPPA): That quest the Minister will reply.

SHRI VITHALBHAI M. PAT (Gujarat): It is for the Minister...(*terruptions*)...

DR. JINENDRA KUMAR JAIN: moved the Resolution and I have a ri to reply to the debate. Is it not the r of this House? ...(*Interruptions*)... are trying to drown my voice like t Sir, I want your ruling. As a Mem who moved the Resolution for d'sapp val—please give your ruling—do I hav right to reply to the debate or not? will speak after you give your ruling.

THE VICE-CHAIRMAN (SHRI HANUMANTHAPPA): I have given an opportunity to reply.

SHRIMATI JAYANTHI NATA JAN: Why are you getting angry?

DR. JINENDRA KUMAR JAIN: am not getting angry. I request you to throttle me.

THE VICE-CHAIRMAN (SHRI HANUMANTHAPPA): Dr. Jain, have asked for a ruling and I have gi

my ruling. Why are you arguing? That is the time given to you to reply.

DR. JINENDRA KUMAR JAIN: Sir, I would sit down and would even agree to withdraw my Resolution of disapproval, provided the hon. Minister gives me an assurance or a promise to do three things: (1) To set up a single-window agency for helping the exporters to take care of their problems at one point. (2) As I had explained yesterday, there should be a cell in the Ministry to react to and process the suggestions of the Members of Parliament who can channelize the problems of importers and exporters. Democratically elected representatives of the people should do this to help our traders exporters and importers and the Government should invite their suggestions and they can be given provided there is a cell which will honour such suggestions coming from Parliamentarians. (3) My last request to the Minister is, to consider the setting up of a special cell in the Ministry to deal with the complaints of corruption, and this special cell should monitor the procedures and instances which breed corruption.

Sir, if you allow me just one more sentence, I would like to end my statement by making two recommendations: (1) It is reasonable that the export of traded goods and the earning of foreign exchange by providing services should be treated at par with manufactured exports for purposes of section HXC of the Income-Tax Act. I know, it does not strictly come under your purview; it is to be decided by the Ministry of Finance. But I have already pleased the need for coordination and cooperation.

The last suggestion that I am giving today on the subject is about the point that was raised by my hon. senior colleague, Shri I. K. Gujral and the point that was made by Shri Jagesh Desai opposing this. It is only reasonable that when the entrepreneur has to buy 100 per cent of his foreign exchange needs—for imports—at the market rate, why should he not be allowed to convert that at the market rate?, Mr. Gujral wanted the Government to consider 100 per cent. I say that they should agree to a minimum of 75 per cent instead of 60 per cent.

Now, Mr. Jagesh Desai asked, where will the foreign exchange come from?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The Minister will answer that.

DR. JINENDRA KUMAR JAIN: My last sentence, my last sentence.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): This is the fourth "last."

DR. JINENDRA KUMAR JAIN: This is the last, Sir, it is not a question of foreign exchange. I am asking for conversion of foreign exchange earned by the exporter in terms of rupees at a particular rate. So there is no question of where he will get the money from for the import of oil. You will get money which has been earned by our exporters and you can buy oil or anything. The only question is the rate at which you will allow them to convert their dollars into rupees. Mr. Gujral has asked for 100 per cent at the same rate as they buy. I support that demand. But I say, please be kind and let the minimum be not 60 per cent but 75 per cent. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): If the House agrees, we can complete the reply by the Minister and the voting.

SOME HON. MEMBERS: Yes, Sir.

SHRIMATI JAYANTHI NATARAJAN: We will sit and complete it, Sir.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I hope the Minister also will be brief. ...(*Interruptions*) Let us finish this.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (DEPARTMENT OF SMALL SCALE INDUSTRIES AND AGRO AND RURAL INDUSTRIES AND THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P. J. KURIEN): Thank you, Sir, I will try to be as brief as possible. However, if I try to react to the points raised by Members, I think, it needs more than an hour.

[Shri P. J. Kurien]

I will try to be as brief as possible.

SHRI V. NARAYANASAMY: Specific replies you sent to the Members.

SHRI P. J. KURIEN: First of all, I think every hon Member who took part in this debate which was of a high level and standard. All the criticisms and suggestions have been noted for positive consideration and possible action.

Sir, the purpose of this Bill itself is development of trade and promotion of exports. Everyone knows that last year our BOP position was such that we were in a financial crunch. The credibility of the nation was about to be lost. But for the timely measures taken by Government at that time, our position, Sir, would have been very unenviable. On the criticism on those measures which one or two hon. Members have made, I have only one reply, I ask them: Please imagine what would have happened if Government had not taken those measures, what our position would have been today if this Government had not taken those radical measures. Today, looking back, we can say, "No, We have this problem, we have that problem." But we would have been in a much worse position if Government had not taken these steps.

Sir, for any country, for the growth of its economy, exports are most important. That we have understood. Therefore, we have announced a trade policy in which the total emphasis is on exports. But export cannot just flourish as one entity. It can only be interlinked with imports and trade. So, what is needed is freedom of trade, so this Government has announced that it is going to allow a regime of freedom of trade, in which restrictions will be less, that licensing and licence *raj* will be abolished as far as possible and minimised, that maximum transparency will be there. That is why a new Import-Export Policy has been announced, and that new Import-Export Policy has made it sufficiently clear that trade hereafter would be subjected to minimum controls. Therefore, we have brought out a list of items for which licences are required, and today exports or imports are all free except for the items in the negative list. That negative list has been drawn on considerations of health, security and environment.

Therefore, the whole attempt is to allow the trade sufficient freedom so that if can be performed in an atmosphere in which the exports can grow. Then we have taken care to see that the items, imports of which do not generate exports, do not promote exports, are brought in the restricted list.

Yesterday a question was raised by an hon. Member, whether we are allowing imports of consumer goods. It is very clear in the Policy itself. We are not allowing imports of consumer goods. It is in the negative list. It is not allowed like that.

Hon. Members have criticised us for allowing imports to be made freely. What we have allowed is only duty exemption for raw materials and capital goods.

Sir, there was a criticism here on the Capital Goods Export Promotion Scheme. The Export promotion Capital Goods Scheme is with the stipulation that they should export. A question was raised as to what is the guarantee that export obligations will be complied with. I would like to inform the House that these imports are allowed with sufficient legal undertaking or on the basis of a bank guarantee and the Office of the CCIE is closely monitoring it. So, compliance with export obligations is ensured and taken care of.

Again with regard to advance licensing scheme also, a bank guarantee or a legal undertaking is required. Therefore, as far as we are concerned there is no question of going back from the export obligation that has been stipulated into these two schemes—EPCG and advance licensing.

SHRI YASHWANT SINHA (Bihar): Mr. Minister, would you yield for a moment? I would like to ask a question relating to this. Otherwise, I would ask later.

The Minister is referring to export obligation. Yesterday, this was the point which Mr. Jagesh Desai referred to. I am quoting from *The Hindustan Times*:

"In a major extension of its liberalisation policy in the industrial sector, the Government today withdrew imposition of export obligation with regard to issuance of letters of intent and industrial licences."

I don't know whether the Minister is aware of this. But, if the Government has taken such a decision, then how is he saying with such confidence that this will be enforced in future?

SHRI P. J. KURIEN: What I was replying was about the question referred to here yesterday. With regard to export obligation under EPCG scheme and advance licensing scheme, which the Commerce Ministry is administering, that is the reply that I have given. I did not react to that newspaper report.

SHRI YASHWANT SINHA: Are you aware of this.

SHRI P. J. KURIEN: Let me see that. I can't say off-hand here. I will have to see that.

A criticism was raised why this Bill was brought as an ordinance and why we did not wait for the Parliament session. I would like to make it clear that this Bill was introduced in the Lok Sabha during the Budget Session as such. We did not want to go in for an ordinance. We wanted to come to Parliament and get it passed. But, since the Lok Sabha was already engaged in so many other equally important or more important issues, this could not be taken up. But, then, Sir, we were stuck with a problem, because we have made certain radical changes in the export-import policy. Those changes have a bearing on our international contracts relating to exports and imports. Those radical changes should have a legal status. Therefore, if we had not gone for an ordinance at that time, that would have adversely affected our trade. We had no other go. Therefore, we went for an ordinance. But a case was made out here that we have done some impropriety. Neither impropriety nor violation is there, because Article 123 of the Constitution is very clear that "except when both Houses of Parliament are in session, the President is empowered, if he is satisfied' etc. etc. So, the Notification was issued. The Foreign Trade Development and Regulation Ordinance 1992 was promulgated by the President on 19th June. Parliament was not in session at that time. So, we have not committed any breach or impropriety.

SHRI ASHIS SEN (West Bengal): I would like to ask. I have not understood... (*Interruptions*) I should be given an opportunity. (*Interruptions*) I have not understood what he meant by bureaucratic notifications and orders, not ordinance. (*Interruptions*)

SHRI P. J. KURIEN: It has been said that there is no major difference between the Act of 1947 and the present Bill. If you go through them carefully, you will notice that the Act of 1947 is one which regulates and controls. We want a law in the Statute Book which promotes and encourages, which de-regulates and facilitates the basic changes. Sir, in that Act there is no mention of the import and export policy. This is the most important instrument which governs or helps the import and export policy. After we have announced the import and export policy, we have made it a part of this Bill. So all the liberalisation measures which have been taken by the Government are being legalised. That is a very important and substantial change we have effected.

There are a number of points which I have to mention but due to lack of time I am unable to do so However, another important point is—Dr. Jain has also mentioned it—in the earlier Act, contravention or violation of the Act amounted to a criminal offence. Here taking the overall view of the trade and in order to encourage the trade, we have made it a case of only civil offence. That is a major change to facilitate foreign trade. These are the two important things. There are so many points which I would like to mention but unfortunately I am short of time. ..(*Interruptions*)... Mr. Yashwant Sinhraji mentioned yesterday about ETCT scheme, advance licensing and export obligation. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Desai, you should know that we are sitting during

[Shri H. Hanumanthappa]

lunch time. Let us not try the patience of the Minister.

SHRI P. J. KURIEN: Sir, I would like to make it very clear that I am replying here as the Minister of State in the Ministry of Commerce and not as the Minister of State in the Ministry of Industry. Therefore, I am not bound to answer any questions relating to the Ministry of Industry.

Some Members mentioned about excess of powers being given to the Director-General. I would like to remind the Members that the Bill is very clear because any decision of the Director-General can be reviewed by the Government. Therefore, there is no question of giving excess of powers to the Director-General.

The hon. Member, Shri Gujralji and some other Members have mentioned about the special licensing scheme under clause 8, sub-clause (2). There we have mentioned that these powers will be exercised under the prescribed rules. So when rules are prescribed, we will ensure that there is more transparency and less discretion for the Director-General.

Then, Sir, a point regarding appeal to the Supreme Court was mentioned. Sir, no Bill can take away the right of a citizen to go in for appeal to the Supreme Court. Under article 32 of the Constitution he can go to the court. Under article 136 of the Constitution he can go to the Supreme Court. In addition to these, under article 226 any aggrieved party can go to the High Court with a with petition. Therefore, it is not necessary to bring that provision here.

SHRI ANANTRAY DEVSHANKER DAVE (Gujarat): Why have you taken away the powers from the civil court?

SHRI P. J. KURIEN: I am not yielding Sir.

Therefore, it is not necessary to bring that provision in the body of this Bill because there is an inherent right to any citizen to go in for appeal to the court. Not only that, in the previous Act also, there was no such provision.

With regard to the import policy on consumer goods, I have already mentioned the policy on consumer goods. We have not decided to import consumer goods. I would like to assure the House that consumer goods will continue to be in the restricted list: Members from Andhra Pradesh on that side, as well as some hon. Members on this side, mentioned the problem of tobacco growers. They asked why more credit should not be given to Russia for buying tobacco. Sir, I would like to inform the House that our trade plan already provides for 25,000 tonnes of unmanufactured tobacco being purchased by the Soviet Union. Out of that, they have entered into a contract for 15,000 tonnes. But LCs have been opened only for 9,600 tonnes for which technical credit has already been sanctioned. There is another 5,400 tonnes for which, if there is a request from the Soviet Union, we would consider the question of giving technical credit favourably. I can give you this much assurance.

With regard to the Dunkal proposal ..... (*Interruptions*).

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Hon. Member please allow him to complete.

SHRI P. J. KURIEN: Sir,.... (*Interruptions*). If the Chair wants me to finish, I can finish.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): No you complete your reply.

SHRI P. J. KURIEN: Then you please ask them to keep quite. (*Interruptions*). This is not the way. I do not agree with this. I want to reply to whatever is relevant. Those who want to go for lunch can go. I have no objection (*Interruptions*).

With regard to the Dunkel proposal it has already been announced that there will be a detailed discussion in Parliament. We have already taken steps. I have already written to the Secretariat that we are ready to have a discussion at any time. After taking into account the view expresssed by hon. Members in Parliament, we will take a decision.

Then, Sir, I would like to react to some other points mentioned by Gujralji. The points are about the export of consultancy, the export of software, clearance of the pending Rs. 500 crore CCS 100 per cent export-oriented units. I would like to tell him that all his suggestions will be considered. With regard to the Rs. 500 crore pending CCS, certainly, I would take it up with the Finance Minister—who is also sitting here—and we will try to see that it is solved as early as possible.

Mr. Jain also made certain important points. First of all, he wanted a cell for looking into complaints of corruption. I can assure the hon. Member that no cell is needed for it. You bring to us any charge of corruption against anybody. I can assure you that it will be investigated and action, as per the law, will be taken. No cell is needed for that. I can assure you that we will take action. If you have any other suggestion with regard to reduction of corruption, we will consider that too. But, so far, I have not got any complaint about any officer engaging himself in such corrupt practices. I would like that much to go on record. With regard to the single window clearance scheme, I will assure you, the whole effort is to reduce the procedural formalities and to eliminate controls to facilitate export trade. That is our whole effort. Our effort is not only confined to the single window clearance scheme, but whatever suggestions you have, you please write to us and we will consider them favourably.

Then the third condition for withdrawal of this is that a cell of MPs should be created to look into the trade aspects. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI H| HANUMANTHAPPA): He does not mean a cell of MPs. What he meant by this is that there should be a cell in your Ministry to consider the suggestions of our MPs.

SRI P. J. KURIEN: I can assure you even without a cell, the suggestions of every MP will be considered and action taken accordingly. Since every hon. Member is anxious and the time is short, I would like to cut short my reply. I thank Dr. Jain for giving some valuable suggestions. I assure him that those suggestions will be specially noted. Therefore, I would request him to withdraw his motion of disapproval and I also commend the Bill to the House for its approval.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Dr. Jain, are you withdrawing?

DR. JINENDRA KUMAR JAIN: I thank the hon. Minister for giving me this assurance. I am willing to withdraw my resolution only after seeking a very brief clarification.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): No, no. He will write to you. (*Interruptions*)

SHRI BHUPINDER SINGH MANN: Sir, about the agricultural imports and agricultural produce, a separate Bill will come into force. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He will write to you. (*Interruptions*) Dr. Jain, he has agreed to all your suggestions.

DR. JINENDRA KUMAR JAIN: Sir, I am seeking a very brief clarification. The Minister has not said anything about the import of consumer goods. I want to bring to his notice that recently, the definition of the consumer goods has included the components of the consumer goods. Now, the effect of enlarging the definition is that a number of industries which are manufacturing consumer goods in the country have been adversely affected, their exports have been affected. Fortunately, you are the Minister of Industry also. I want one clarificaiton from you. We do not want consumer goods to be imported freely into this country but those industrial units which are manufacturing consumer goods, they should be allowed to import components. This should be clarified.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): That he will consider.

DR. JINENDRA KUMAR JAIN: Let him reply. (*Interruptions*)

SHRI BHUPINDER SINGH MANN: Sir, let the Minister answer my question. Let him clarify. Let him accept or deny it. (*Interruptions*). Why should he write to me? You allow him to clarify.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I cannot force the Minister. You cannot convert this discussion into a question-answer session.

The Chair cannot ask the Minister to stand up.

DR. JINENDRA KUMAR JAIN: Sir, if he clarifies, I will withdraw.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Are you pressing your motion of disapproval?

DR. JINENDRA KUMAR JAIN: Are you asking the Minister to clarify, Sir?

SHRI P. J. KURIEN: Sir, as the import of components of consumer goods helps production, we would allow.

DR. JINENDRA KUMAR JAIN: Sir, I withdraw my resolution.

The resolution was, by leave, withdrawn.

SHRI BHUPINDER SINGH MANN: Sir, let the Minister answer my question.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I cannot force the Minister.

SHRI BHUPINDER SINGH MANN: Since the Minister is not answering my point, I walk out in protest.

(At this stage, the hon. Member left the Chamber)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I shall now put the motion moved by Shri P. J. Purien to vote.

The question is:

"That the Bill to provide for the development and regulation of foreign trade by facilitating imports into and augmenting exports from India and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 7 were added to the Bill.

Clause 8

Suspension and cancellation of Importer-exporter Code Number.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There are two amendments, 1 and 2 by Shri Anantray Devshanker Dave. Are you moving your amnedments, Mr. Dave?

SHRI ANANTRAY DEVSHANKER DAVE: Sir, I want to seek a very small clarification.

2.00 P.M.

श्री अनन्तराय देवशंकर दवे : महोदय, मेरा अमेंडमेंट यह है :

(1) पृष्ठ 3 पर पंक्ति 23–24 में "ऐसे उचित समय के भीतर, जो सूचना में विनिर्दिष्ट किया जाए" शब्दों के स्थान पर "एक माह के भीतर" शब्द प्रतिस्थापित किए जाएं ।

(2) दूसरे, पृष्ठ 3 पर, पंक्ति 11 पेज 385 में "महानिदेशक द्वारा ऐसी नीति से और शर्तों के अधीन रहते हुए जो विहित की जाएं, उसे दी गई किसी विशेष अनुज्ञप्ति के अधीन ही किसी माल का आयात या निर्यात करने का हकदार होगा, अन्यथा नहीं" शब्दों के स्थान पर "किसी माल का आयात या निर्यात करने का हकदार नहीं होगा ।" शब्द प्रतिस्थापित किए जाएं ।

The questions were proposed.

श्री अनन्तराय देवशंकर दवे : आपने जो एश्योरेंस जगेश देसाई को दिया है कि रूल्स में करेंगे, लेकिन मेरा पहला अमेंडमेंट यह है कि उसमें रीजनेबल टाइम की जगह वन मंथ कर दें क्योंकि ब्यूरोक्रेटस किसी को 5 दिन देंगे, किसी को नोटिस का जवाब देने के लिए 10 दिन देंगे । तो मैं चाहता हूं कि उसकी जगह वन मंथ कर दीजिए, एक माह के अंदर नोटिस का जवाब दिया जाएगा क्या आप यह एश्योरेंस देंगे कि रूल्स में इसका प्रावधान करेंग तो मैं विदड्रा कर लेता हूं । रूल्स में रीजिनेबल टाइम की जगह एक महीना कर देंग ?

SHRI P. J. KURIEN: That is not needed to be incorporated into the body of the Act, but in the Rules we will try to take care of his point.

The amendments (Nos. 1 and 2) were, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now the question is:

That clause 8 stand part of the Bill.

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 : Issue, suspension and cancellation of licence

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There is one amendment by Shri Dave.

श्री अनन्तराय देवशंकर दवे : महोदय, मेरा संशोधन यह है—

(3) पृष्ठ 3 पर पंक्ति 41 में "ऐसी इंकारी के" शब्दों के पश्चात् "साठ दिनों के भीतर" शब्द अंत:स्थापित किए जाएं ।

The question was proposed.

श्री अनन्तराय देवशंकर दवे : मेरी मंत्री जी से सीधा सा प्रश्न है कि क्या आप 60 दिन का जो प्रावधान इसमें करना चाहिए था, वह करेंगे ? ... (**व्यवधान**)

अगर आप करने का आश्वासन देते हैं तो मैं अपना अमेंडमेंट विदड्रा कर लेता हूं...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He has assured.

SHRI ANANTRAY DEVSHANKER DAVE: Sir, he has not replied.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He said he will consider it. He said it will be considered.

The amendment (No. 3) was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The question is:

That clause 9 stand part of the Bill.

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 14 were added to the Bill.

Clause 15: Appeal

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There is one amendment No. 4 by Shri Dave.

श्री अनन्तराय देवशंकर दवे : महोदय, मेरा यह संशोधन है—

(4) पृष्ठ 6 पर, पंक्ति 10 में "किया गया आदेश अंतिम होगा" शब्दों के स्थान पर "किए गए आदेश का उस राज्य के उच्च न्यायालय द्वारा, जिसमें मामला उठा था, अपील किए जाने पर पुनर्विलोकन किया जायेगा" शब्द प्रतिस्थापित किए जाएं ।

The question was proposed.

श्री अनन्तराय देवशंकर दवे : आपने कहा है कि फाइनल और अपीलेंट अथारिटी का आर्डर होगा । उसकी जगह मैं कह रहा हूं कि आप सिविल कोर्ट का जुरिस्डिक्शन दीजिए क्योंकि डेमोक्रेसी में

[श्री अनन्तराम देवशंकर दवे]

पार्लियामेंट, जुडिशियरी और ऐक्जीक्यूटिव जो मेन फंक्शनरी हैं, आप सिविल कोर्ट से जुरिस्डिक्शन क्यों ले रहे हैं ? मैं चाहता हूं कि कोई भी ऐक्सपोर्टर या इंपोर्टर हो यदि ब्यूरोक्रेट्स उनसे नाराज हो जाएंगे तो उनके पास क्या उपाय रह जाता है ? आप सारी स्पेशल पावर्स अपने पास ही रख रहे हैं । जुडिशियरी को कोई पावर तो दीजिए । मान लीजिए कोई ऐक्सपोर्टर या इंपोर्टर अपील करना चाहता है तो सिविल कोर्ट के पास कोई पावर नहीं है तो हाई कोर्ट की बजाय आप सिविल कोर्ट में वह जा सके, ऐसा रूल्स में प्रावधान कीजिए ।

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा) उसका जवाब तो दे दिया ।

The amendment (No. 4) was, by leave, withdrwan.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The question is:

That clause 15 stand part of the Bill.

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 to 20 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P. J. KURIEN: Sir, I beg to move:

That the Bill be passed.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The House stands adjourned for one hour for lunch.

The House then adjourned for lunch at five minutes past two of the clock.

The House reassembled after lunch at five minutes past three of the clock, THE VICE-CHAIRMAN (SHRI M. A. BABY) in the Chair.

THE PLANTATIONS LABOUR (AMENDMENT) BILL, 1992

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI PABAN SINGH GHATOWAR): Mr. Vice-Chairman, Sir, I beg to move:

> "That the Bill further to amend the Plantations Labour Act, 1951, be taken into consideration."

The Bill *inter alia* seeks to provide better welfare facilities, safety provisions to plantation workers and deterrent penal provisions for non-implementation of the welfare provisions of the Plantations Labour Act, 1951.

As hon. Members are aware, the Plantations Labour Act, 1951, whcih provides for the welfare of plantation labour and regulates the conditions of work in plantations was last amended in 1981 with a view to removing certain difficulties that were experienced in its working and for enlarging its scope.

After the aforesaid amendment, we received a number of suggestions from different State Governments for further amendment of the Plantations Labour Act, 1951. The difficulties in proper implementation of the welfare provisions of the Plantations Labour Act, 1951, were considered by the reconstituted Tripartite Industrial Committee on Plantation n March, 1983 which felt that the Act should be reviewed to ensure better medical facilities, housing facilities, protective clothing, etc., as well as adequate safeguard against the use of toxic chemicals which are being increasingly used in plantations.

In the light of the recommendations o the Tripartite Industrial Committee on Plantations and the provisions made in the Chlid Labour (Prohibition & Regulation) Act, 1986, we have brought forward this Bill. The major proposals in thi Amendment Bill include making provisions relating to safety of workers and occupational health problems arising out of work in plantations, prescribing time limits within which garden hospitals and group hospitals should be established amendment of definition of 'Family' to also include dependants of female wor

kers, amendment of the definition of 'Workers' to include contract workers. The Bill also seeks to amend the definition of 'Employer' to include directors, partners, etc., including Government officers appointed to manage the affairs of plantation in order to pin-point the responsibility for any lapse in implementation of the Act and also make penal provisions more deterrent for the non-implementation of the provisions of the Act.

I hope the hon. Members would welcome the Bill. With these words, I commend the Bill for consideration of the House.

The question was proposed.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष महोदय, 1951 में यह विधेयक अस्तित्व में आया था और 1954 से इसका कार्यान्वयन आरम्भ हुआ। लगभग 40 वर्षों के अन्तराल में, विभिन्न क्षेत्रों में, हर दिशा में, हमारे राष्ट्र में बड़े-बड़े क्रांतिकारी परिवर्तन हुए और संबंधित विधेयकों और कानूनों में उसी प्रकार से आवश्यकता और समय के अनुसार संशोधन किया गया । आप जानते हैं कि हमारे देश का बहुत बड़ा भाग पठारी और पहाड़ी है । आम तौर से इस पठारी और पहाड़ी भाग पर दलहन, तिलहन या अनाज की फसल बहुत कम मात्रा में या न के बराबर या अधिक मात्रा में उगाई नहीं जा सकती है और केवल अनाज, तेल या दालों से ही इंसान न तो अपना पेट भर सकता है और न ही अपनी अन्य आवश्यकतायें पूरी कर सकता है । इसके अलावा मनुष्य को ईंधन की भी आवश्यकता होती है, फलों की भी आवश्यकता होती है, तारपीन की भी आवश्यकता होती है और पैरोजा की भी आवश्यकता होती है । इसके अलावा पशुओं के लिए चारे की भी आवश्यकता होती है । देहातों में काम की भी आवश्यकता है, उद्योगों की आवश्यकता है, पानी के जलाशय बचे रहें, उनमें कटाव न पैदा हो, पानी अधिक बरसे, यह भी आवश्यकता है । इसलिए जितनी हमारे देश में खेती की आवश्यकता है, जलाशयों की आवश्यकता है उतनी ही बागानों की भी आवश्यकता है और इस प्रकार की भूमि जो पहाड़ी और पठारी है या जो बंजर या बीहड़ होती चली जा रही है, इसमें आसानी से बागानों का रोपण किया जा सकता है, बगान लगाये जा सकते हैं । यदि बड़ी मात्रा में बगान लगाये जायें तो गांवों में लोगों को रोजगार मिलेगा, गांवों में उद्योग लगेंगे और जैसा मैंने पहले कहा, जलाशयों का कटाव भी बचेगा और पानी के जितने भी संसाधन हैं, वे सुरक्षित रहेंगे । इस आवश्यकता को आज से डेढ़ सौ वर्ष पहले तत्कालीन ब्रिटिश साम्राज्यवादियों ने भी जब उनकी हमारे देश में सरकार थी महसूस किया था और डेढ़ सौ वर्ष पहले उत्तर प्रदेश की कुमाऊं पहाड़ियों में चाय उगाने के लिये चीन से लोगों को आमंत्रित किया था और इस प्रकार से आमंत्रित करके केवल अस्थायी रूप से भारत में नहीं बुलाया था बल्कि यहां पर स्थायी रूप से आबाद करने के लिये बुलाया था । उस समय बड़ी संख्या में चाय कुमाऊं की पहाड़ियों में उगाई गई । लेकिन आज उसका लोप हो गया है ।

दूसरी ओर हम देखते हैं कि 1943–44 में नदियों के किनारे, बड़ी ऊबड़ खाबड़ जमीन हैं जिनको हमारी भाषा में बीहड़ बोलते हैं। अगर आपको कभी इत्तफाक हुआ हो रेलगाड़ी से सफर करने का तो धौलपुर से ग्वालियर तक तो रास्ते से चम्बल नदी के किनारे जो ऊंचे-ऊंचे टीले हैं उनको बीहड़ बोलते हैं, वे बीहड़ 1943–44 में जितने थे वे और अन्य बीहड़ अब करीब 40 परसेंट हमारे देश में बढ़ गये हैं । और इसमें जो खेती के लायक जमीन थी वह नष्ट हो गयी है । इन बीहड़ों को बागानों के रूप में इस्तेमाल करके उपयोगी बनाया जा सकता है । मान्यवर, इस तरफ हमारी सरकार को ध्यान देना चाहिये और वहां बागान लगाये जाने चाहिये ।

श्री चतुरानन मिश्र (बिहार) : चम्बल घाटी के बारे में तो आप अच्छी तरह से जानते हैं ।

श्री संघ प्रिय गौतम : वहां हम डकैतों से लड़ रहे हैं जिनको आपने पैदा किया है । . . (**व्यवधान**) . . .

But that was in previous times. It is not a problem of this day.

[श्री संघ प्रिय गौतम]

तो सर, मैं निवेदन कर रहा था कि बागान जितने भी लगे थे उन्हें जिंदा रखना चाहिये था, सर-सब्ज रखना चाहिये था और लोगों को बागान लगाने के लिये प्रेरित करना चहिये था। लेकिन हो गया उल्टा । जितने भी हमारे बागान थे वे उजड़ रहे हैं और नये बागान लगाने की प्रवृत्ति समाप्त हो रही है। जैस कि मैंने अभी कुमाऊं का उदाहरण दिया, इसका मुख्य कारण रहा श्रमिकों की बुरी तरह से शोषण। बागान में जो मजदूर काम करते थे, उनकी तरफ बागान के मालिकों ने इंसानियत की निगाह से नहीं देखा । उनके लिये पानी की व्यवस्था होती, उनके बच्चों के लिये शिक्षा की व्यवस्था होती, उनको पूरी मजदूरी मिलती और अगर उनके स्वास्थ्य की रक्षा की अच्छी व्यवस्था होती तो वह तंदुरस्त रहते और वे उन बागानों में रूचि लेकर काम करते और उनको छोड़कर नहीं जाते। इससे बागान उजड़ते नहीं और नये बागान लगते और इस तरह का माहौल सारे देश में पैदा होता । मान्यवर, यह विधेयक जो 1951 का है, इसका संशोधन बहुत पहले हो जाना चाहिये था । आज यह बड़े विलंब से संशोधन किया जा रहा है, जब कि इसकी बहुत बड़ी सजा हमारे मुल्क को मिल चुकी है । मान्यवर, इस समय बागान लगाना बहुत जरूरी हो गया है क्योंकि बहुत बड़ी तादाद में जंगलों का कटाव हो रहा है और जंगल उजड़ रहे हैं । एक तरफ यह हो रहा है और दूसरी तरफ जमीन को खेती के लायक नहीं बनाया जा रहा है। बार बार इस तरफ सरकार का ध्यान दिलाया जाता है । मान्यवर, मैंने अनेकों बार इसी सदन में यह प्रश्न उठाया है कि जो जमीन खेती के लायक पड़ी हुई है उसको उपजाऊ क्यों नहीं बनाया जा रहा है । उसमें खाद डालकर, उसमें पानी देकर उस पर खेती करायी जाय ताकि देश का उत्पादन भी बढ़े और खाद्य के मामले में देश आत्मनिर्भर हो जाय और लोगों को रोजगार भी मिल जाय । लेकिन इसकी तरफ सरकार का कोई ध्यान ही नहीं गया । मान्यवर, इस जमीन का उपयोग बागान के रूप में किया जा सकता है । अब यह बहुत आवश्यक हो गया । मान्यवर, हमारे देश की उपज उस तरह से नहीं बढ़ रही है जिस तरह दूसरे देशों की उपज बढ़ रही है । मुझे यह पढ़कर बड़ी हैरानगी हुई कि चीन में तीन करोड़ हैक्टेयर भूमि में 16 करोड़ टन चावल पैदा होता है जब कि हमारे यहां 4 करोड़ हैक्टेयर भूमि में केवल 6 करोड़ टन चावल पैदा होता है। हम कितने पीछे हैं इस मामले में ? मान्यवर, हमारे यहां जो जंगल है उनके बारे में बताया गया है कि 7 करोड़ 43 लाख हैक्टेयर जमीन में वन हैं जोकि पूरी भूमि का 22.7 प्रतिशत है। [उपसभाध्यक्ष (श्री जगेश देसाई) पीठासीन हुए] लेकिन सरकारी आंकड़े कहते हैं कि जो हैलीकाप्टर से सर्वे किया गया तो कुल 12 प्रतिशत ही वन पाये गये । तो मान्यवर, जब वन बहुत कम हैं और वनों में कटाव है तो फिर इसका विकल्प बागों के अलावा कुछ नहीं । यह कोई जरूरी नहीं है कि चाय और काफी के ही बाग हों, बाग जैसे मैंने बताया चीड़ के भी हो सकते हैं, हमें तारपीन चाहिये लकड़ी चाहिये । कागज बनाने के लिए भी हमें मेटिरियल चाहिए । हम कागज़ भी बाहर से मंगाते हैं। हमारे यहां कागज प्रति व्यक्ति जितना बंटवारे में आता है, अमरीका और इंग्लैंड में उसका सौ गुना, डेढ़ सौ गुना कागज़ प्रत्येक व्यक्ति के बंटवारे में आता है । आज हम कागज में भी आत्म निर्भर नहीं हैं । इस कागज के लिए बागानों से कच्चा माल प्राप्त हो सकेगा। जैसे यूकेलिप्टस से हमें ईंधन भी प्राप्त होता है और उसकी छाल से हम कागज भी बना लेते हैं। बागान केवल चाय या काफी के ही नहीं, फलों के बागान भी लगाए जा सकते हैं । फल भी अपने में आहार है, बहुत बड़ा भोजन है और पोष्टिक भोजन है, जिसकी हमें आवश्यकता है । इसलिए जहां इसके उद्देश्य बताए गए हैं, उनमें संशोधन करके य भी शामिल किया जाना चाहिए था कि हम श्रमिकों को सुरक्षा देना चाहते हैं, सुविधायें देना चाहते हैं ताकि वे जिन्दा रहे और बागान मालिकों में नये बागान

लगाने की रुचि पैदा हो। यह इस बिल के ओब्जेक्ट्स में जोड़ा जाना चाहिए था क्योंकि यह मामला एक दूसरे से जुड़ा हुआ है। इसलिए मान्यवर, मैं निवेदन करूंगा कि मंत्री जी ओब्जेक्ट्स में इन बातों को भी जोड़ें। यह बताया गया कि 1991 में केन्द्रीय सरकार ने केवल उत्तर प्रदेश के पहाड़ी क्षेत्रों में चाय के बागानों के लिए 9 अरब, 9 करोड़ रुपए की मंजूरी दी थी। 25 जिलों में 50 हजार हेक्टयर भूमि में चाय के बागान लगाने थे। मैं यह जानना चाहता हूं कि इस दिशा में क्या प्रगति हुई है? विधेयक में संशोधन लाने से क्या चाय के बागान लग जायेंगे? जब बागान नहीं होंगे तो विधेयक किस के लिए होगा? बागान के लिए ही तो विधेयक है तो बागान लगे या नहीं लगे और यदि नहीं लगे तो क्यों नहीं लगे? यह मेरा कष्ट है। श्रमिकों का शोषण न हो और उनको पूरी सुविधायें मिलें। लेकिन मुझे कष्ट यह भी है कि बागान भी युद्ध स्तर पर लगें। मैं मंत्री महोदय से पूछना चाहूंगा कि कितने बागान अब तक लगाए गए हैं? मुझे पता चला है कि केवल नैनीताल जिले में तीन नर्सरीज काम कर रही है और छोटे-छोटे चाय के बागान चार जगहों पर लगाए हैं जबकि ब्रिटिश पीरियड में सारे कुमाऊं से चाय बाहर भेजी जाती थी और सब से बढ़िया चाय होती थी। मंत्री जी ने कहा कि श्रमिकों की सुरक्षा की आवश्यकता है क्योंकि आजकल खेती में रसायन और कीट नाशक दवायें ज्यादातर इस्तेमाल होने लगी हैं। जब श्रमिक इन दवाओं का इस्तेमाल या छिड़काव करते हैं तो जानकारी के अभाव में इन दवाओं का कुप्रभाव उनके स्वास्थ्य पर पड़ता है। इसलिए आपने कहा कि उनको सुविधायें देंगे, अस्पताल भी बनवायेंगे। विधेयक में यह कहा गया है कि जो अपने बागान का रजिस्ट्रेशन करवायेंगे दो साल के बाद उनको एक अस्पताल बनवाना पड़ेगा, तीन साल के बाद एक दूसरी किस्म का अस्पताल बनवाना पड़ेगा लेकिन मंत्री जी, इसमें यह नहीं कहा गया है कि दो साल के अन्दर उसे स्कूल भी बनवाना पड़ेगा, दो साल के अन्दर पीने के पानी की भी व्यवस्था करनी पड़ेगी, ट्यूबवेल लगा कर पानी के टैंक बना कर पाइप भी बिछाने होंगे। इसमें यह नहीं कहा गया है कि जो स्थायी रूप से वहां रहेंगे उनके रहने के लिए मकान भी बनाने होंगे। यदि उनको दूध की जरूरत हो तो गाय भैंस रखने के लिए उन मकानों में स्थान भी उपलब्ध होंगे और आगे सेहन भी होंगे, किचन गार्डन भी होंगे जिसमें वह सब्जी भी उगा लें अन्यथा वे सब्जी कहां से लायेंगे क्योंकि वह तो चाय के बाग में काम करेंगे। इसमें यह नहीं कहा गया है। जब यह नहीं कहा गया तो क्या अस्पताल खोलने से श्रमिकों की सारी समस्याओं का समाधान हो जाएगा? नहीं होगा। दवा के साथ रोटी, दवा के साथ सब्जी, दवा के साथ खुला मकान, दवा के साथ दूध, दवा के साथ शिक्षा, भी अति आवश्यक है। इसलिए इनके बारे में कोई समयबद्ध योजना, कोई समयबद्ध कार्यक्रम की बात मंत्री जी ने नहीं कही। यह भी सुनिश्चित की जानी चाहिए। अगर यह नहीं होता तो श्रमिकों का हित कहां रहा, केवल घड़ियाली आंसू होंगे, जैसे पहले से आप औपचारिकता पूरी करते आए हैं। ये भी इसमें मैन्डट्री बनायें। जैसे मैं उदाहरण देता हूं, हमारे यहां, बुलंदशहर जनपद में जहां का मैं रहने वाला हूं, नरोरा एटामिक पावर प्लांट बना। प्लांट की पूरी इकाइयां आज भी चालू नहीं हुई हैं, शायद 10 साल बाद चालू होंगी लेकिन कर्मचारियों और अधिकारियों की कालोनी, दवाखाना, स्कूल, पेयजल की सुविधा ये सब दस साल पहले ही बन गये जब कि संयंत्र लगा भी नहीं था। जब इन अधिकारियों के लिए अनेकों सुविधायें हैं, संयंत्र के निर्माण के पहले ही यह व्यवस्था हो जाती है तो यह श्रमिक जो इस देश की धरती का सीना चीरकर हम लोगों की उदरपूर्ति करते हैं, अपने जीवन के साथ खिलवाड़ करते हैं, इनके लिए यह चीजें शुरू में ही क्यों नहीं सुनिश्चित की जाती हैं। इसलिए, मान्यवर, मंत्री महोदय से इस बात के आश्वासन की इच्छा और आशा रखते हुए कि दोबारा इसमें संशोधन की आवश्यकता न पड़े, आप नियमों के द्वारा या किसी अन्य तरीके से इन सारी व्यवस्थाओं को

[श्री संघ प्रिय गौतम]

भी सुनिश्चित करेंगें, कि इम्प्लायर उनको पैसा तो पूरा देगा ही, ठेकेदार भी पैसा देगा, सब चीजें होंगी लेकिन ये उपयोगी वस्तुयें और आवश्यकतायें हैं ये भी सुनिश्चित होंगी । इन्हीं शब्दों के साथ मैं आपके इस विधेयक का समर्थन करता हूं । धन्यवाद ।

*SHRI V. NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir, Hon'ble Minister for Labour Shri Sangma has brought the Plantation Labour (Amendment) Bill for discussion here keeping in mind the welfare of the Plantation workers. At this point of time, it is worthwhile to do some retrospection and see how well the original Act was implemented. This Act was originally passed by the Parliament in 1951. But it was not implemented until 1956. Meanwhile, the Tea Plantation labourers in Assam launched an agitation demanding that the Plantation Labourers Act be implemented. The agitation went on, in which about 50 labourers lost their lives. Only then the Government came forward to implement the Act. Yet, the labourers could not get the benefits of the Act because, there were practical difficulties in implementing the Act. Therefore, in 1973, an amending Bill was introduced in Parliament. Because of the importance of the Bill wanting serious deliberations, it was referred to a joint Select Committee of both the Houses of Parliament. But the Bill came back from the Select Committee for consideration by Parliament only in 1981, after a full 7 years. I am compelled to refer to the background only to highlight the nature of obstacles coming in the way of implementing the Act.

Sir, unfortunately the State Governments did not implement the Act in the way it should have been. That is why, as one having soft corner for the labourers, our Hon'ble Minister has brought in a welcome Bill. This amending Bill has provisions for providing residential accommodation and hospital facilities to the workers and their families. The living conditions of the Plantation labourers is really pathetic. Be it in Assam, Kashmir, Kerala, Tamilnadu or any part of the country, these unfortunate people live in misery. The Bill says that a plantation owner havnig 5 hactares of garden employing 15 workers will fall under the purview of this Act. But I wish to point out as to how the plantation owners will escape the hands of law. For example, in Kerala the plantation owners divide their estates into small measures of 2 hectares or so and register it in the names of relatives. This is how they remain outside the purview of law. As a result, the workers loose their concessions and privileges. I request the Hon'ble Minister to ponder over this and take some effective steps. By common sense, If someone has even two hectares of plantation, be it tea, coffee, cardamom or rubber, he needs to employ atleast 15 workers in the garden. But if he claims to employ less number of workers it is untrue.

We have to see to believe the kind of life they lead. Away from the estates, they live in jungles without even basic amenities. They have to walk over 6 Kilometres to the place of work. Now, the Bill speaks of providing them accommodation close to the place of work within the precincts of the plantations. But this provision should not go unimplemented like other provisions of the original Act. While the original Act provided for 12 hours of work each day this amending Bill speaks of 10½ hours of work. Then on the other hand, the Minister speaks of only 8 hours of work per day. I am at a loss to understand the contradiction. I request the minister to clarify this point.

Sir, discrimination amongst workers is a matter of serious concern. We have no reason to underrate the plantation workers as aaginst the industrial workers. We just can't justify such discrimination. Indeed, working in the gardens requires a great skill. It is not easy to pluck tea leaves unless one is trained and has the skill. I had an opportunity to go to Assam and see how the labourers toil in the tea gardens there. They sweat out in scorching Sun to pluck the leaves and process it. The industrial workers have atleast some kind of a shed to work in. But the plantation workers have to bear the on-

*English translation of the original speech delivered in Tamil.

slaught of the vagaries of nature. Whether snake bites or scorpion stings, they have to do their work.

The workers of exploited in many ways. They do not get the wage actually mentioned against their names in the pay roll. Since they are illiterates, they affix their thump impression at the place indicated by the owner or manager and take home a meagre salary. They don't even know how much is due to be paid to them. This apart, their children are also being exploited. I am happy that this Bill phohibits child labour in plantations. But unfortunately there is compelling situation in the families of labourers to send their children to work to earn their bread. We have to do something substantial to change this situation. We earn lot of foreign exchange by exporting tea, coffe, rubber and cardamom. But we foreget the welfare of the workers who toil in the fields to produce them. Estate owners earn crores of rupees through export. But the workers are not given even one percent of the total income as wage. That is why over 20 lakhs plantation labourers all over the country lead a miserable life to this day. Most of them live on hilly regions without even basic amenities. They have no potable water and medical facility at the place of work or residence. There is no educational facilities for their children. We have to gracefully admit that the situation is much the same in both public sector and private sector plantations. The public sector undertakings like Tea Board and Coffee Board should come forward to implement the Act in total and thus set an example for the private sector to follow.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Minister, he has made a very important point regarding the public sector. If you do not follow, how can you compel others to follow? Please loo into it. And you have to reply to that. He has made a very serious point.

SHRI V. NARAYANSAMY: Mr. Vice-Chairman, Sir, most of the workers kept as casual labourers only to deny them their rights. Stern action will have to be taken against this exploitation. Sir, these plantations have to be protected against the attacks of pests and the growth of weeds have to be curbed in order to have good yield. For this, pesticides and herbicides have to be sprayed regularly. But who does this risky job? It is the children of the workers in the age group of 15-18 who are asked to do this dangerous job. Those children do not even know the harmful effects of the pesticides and cannot protect themselves by taking adequate safety measures. It is a matter of relief that child labour is banned in plantations through this Bill.

I have a point regarding compensation. There is a provision for compensation to workers in case they stand to loose their job for any reason. The Hon'ble Minister has said that an amount of Rs. 20,000 would be paid by the employer to the affected worker as compensation. But there is no mention of compensation in case of death of workers. I request the Hon'ble Minister to look into this matter. Since the minister has great concern for the workers. I appeal to him to take steps to register the union of plantation labourers. Then alone they will be able to fight for their rights.

It pains to note that the original Act has not been implemented for the last 30 years. Hon'ble Sangma and also the Deputy Minister have keen interest in improving the working and living conditions of the labourers. I have great hope that they will not leave any stone unturned to implement this Act.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Give chance to the minister to implement it. He has so much concern over the labour problems. Please give him a chance to impltment it.

SHRI V. NARAYANASAMY: That is why I am saying Mr. Sangma is taking keen interest in labour related issues. I raised it from that point of view.

I wish to emphasis just one point. The Hon'ble Minister should take effective follow up action to implement this

[Shri V. Narayanasamy]

Act. I am hopeful that he will do so in spite of the obstacles ahead. Thank you.

SHRIMATI KAMLA SINHA (Bihar): Sir, as I rise to speak on The Plantations Labour (Amendment) Bill, 1992, I have a few points to make. I was going through the Statement of Objects and Reasons and also the proposed Bill. Actually this Bill wants to amend the Plantations Labour Act, 1951 which was enforced from 1954. In this Bill some new clauses and provions for health and welfare are being included specifically after Chapter 4, a whole new chapter 4A is being included captioned as ' Provision as to safety'. Under the amendment, the employer is required to guarantee some safety measures for the workers while they are handling, using storing and transporting insecticides, chemicals and other toxic substances. There are other provisions also as to who will give them training, how they will be trained, what has to be done about the use of toxic chemicals, etc.

Here, I would like to draw your attention to a few facts concerning the plantations. Both the Minister come from tea plantation area. I would confine myself to the tea plantations because I was born and brought up in my childhood in Assam, in a tea plantation area itself. As you know, the tea plantations employ a large number of workers. In fact, it is a labour-oriented industry. More than 10 lakh workers are employed in these plantations, as permanent and casual labour, in Assam, Arunachal Pradesh, Tripura West Bengal, some parts of Uttar Pradesh—Pithoragarh, Kumaon, etc.—the Kangra Valley in Himachal Pradesh and Nilgiries in the South. The total land area covered by these plantations is 4,21,140 hectares, with a total yield of 714.61 million kgs., in 1990.

Sir, as you know, tea is a mass consumption product. It is also an export product. It earns good foreign exchange for India. In these plantations, particularly, in the North and North-East, where three-fourth of the workforce is there and which accounts for seventy-five per cent of the total tea production in India they are all migrant labour. Most of the workers had gone there as indentured labour from the Chhotanagpur area of Bihar. I have seen with my own eyes the plight, the condition, in which they live. The original Act, the Plantations Labour Act of 1951, somewhat protected their rights. The existing labour law provisions have failed to protect them from exploitation. More than half the workforce consists of women and children, including adolescent boys and girls. Particularly, women are an exploited lot. They are also sexually exploited. A large number of workers are children below 14 years of age. The Child Labour (Abolition) Act does not consider the work in plantations as hazardous.

Sir, the employers do not care about the safety and health of the workers. Medical facilities are inadequate. Even where there are hospitals, the facilities available there are inadequate. They suffer from lack of medicines. Doctors are not there. Nurses are not there. Really, nobody cares for the workers. The health and safety problems are being compounded by the growing use of agro-chemicals such as pesticides and herbicides.

The present amendment, as I said, contains safety provisions in regard to storage, handling and utilisation of agro-chemicals. We all know that after 1967, when almost half of India reeled under drought conditions, we had gone in a big way to increase food production. We launched the Green Revolution. This Green Revolution wave also touched the plantations. But after the Green Revolution and the 'Grow More' slogan, India has been importing agro-chemicals—pesticides and herbicides—in huge quantities. Sir, you know that developed nations have been dumping their obsolete and harmful agro-chemicals in the developing countries, includnig India. The quality of agro-chemicals, pesticides and herbicides, that they do not use in

their own country, are dumped in these countries and we have seen their bad effects on our products. The International Labour Organisation for the last ten years has been advocating banning of hazardous agro-chemicals. They have also passed a convention in this regard. Although India is a signatory to almost all the ILO conventions, we have never implemented them fully. We are still using a huge amount of pesticides and herbicides in our agricultural activities, including tea plantations. The National Industrial Committee on Plantation Industry has also been discussing this issue, but they have not arrived at any positive conclusions so far.

Now, I congratulate Mr. Sangma as he has given some thought on this and he has brought forward this Bill. The tea gardens are scattered in large areas. Mostly spraying is done by hand. What do they do with the sprayer? They tie the portable chemicals-spraying machine on their backs and use their hands to spray. What happens? They go on spraying, with the result that the vibration caused by the machine affects their body system. Nobody bothers about that. There is one more thing. While spraying the medicines, the pesticides and agro-chemicals the management should supply them with adequate protective measures. For example, they must be supplied with gloves, masks, goggless gum boots and jackets which could cover their bodies, but it is not done anywhere. I have not seen anywhere, in any plantation, any management supplying these items to the workers who are spraying these toxic items. Our junior Minister is here. He also comes from a plantation area. I do not know whether he has seen it or not, but I have not seen it. Last January I was in Sri Lanka. I saw some of the very developed tea gardens, but there also these things are not being used. So, the tea garden owners do not bother for the health and safety of their workers.

There is one more point. After the primary spray, a second spray is done. Within a week or ten days of the second spray tea leaves are ready to be pluked. It takes seven to ten days for the tea plants to absorb the toxic medicine, but the owners, the empolyers, are in a hurry. They do not wait for such a long time. So what happens? Immediately after three to four days of spraying pluking starts. Plucking is mostly done by women, small boys and girls. They do the plucking and they get infected. They get various kinds of skin diseases. Also adverse effect has been seen on finished products. Toxic materials are found on the readymade tea which we consume, which we sell outside. Only in 1984-85 a few consignments returned by Germany and other countries. So, quality control is also not there. The quality control of the finished product is also not cared for by the owners, by the employers, of these gardens. Now, who will look after these things, who will monitor it?

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Then, I think, we should stop taking tea.

SHRI V. NARAYANASAMY: If you go to the plantation area, you will forget it.

SHRIMATI KAMLA SINHA: We should go in for...

AN HON. MEMBER: Coffee!

SHRIMATI KAMLA SINHA:... Organic chemicals and natural manures rather than using herbicides and pesticides and toxic chemicals. They don't help us. They are also destroying our ecological balance and environmental balance. The natural insects which used to protect the plants are dead now. So, we need there new organic environment friendly chemicals.

What is happening now? I told you, Sir, that women and adolescents in large numbers become victims of skin diseases and various other diseases and also pregnant women, in the early days of pregnancy and late on also, become victims of these diseases and it has been found that even unborn children get infected. So, this is a very dangerous situation.

[Shrimati Kamla Sinha]

Sir, I would like to draw your attention to a provision of the Bill in the same Chapter with regard to safety—clause 18A (3). It says, "The employer shall appoint persons possessing the prescribed qualifications to supervise the use, handling, storage and transportation of insecticides, chemicals and toxic substances in the plantation." Now, who is going to monitor it? These are all private owners. We are going in for privatization, but plantation is already in the private sector. Hardly any Government-owned plantations are there. So, who is going to monitor it? Till now there has been no machinery to do it. As of today, plantation workers do not get proper drinking water; they do not have proper residential quarters. They do not live like human beings. They are still living like indentured labour, bonded labour. Only this morning the Minister was answering questions on bonded labour. If there is really any bonded labour, it is this plantation labour who are bonded labour. So the Minister will have to evolve a proper machinery to monitor all these things. And who will certify that certain persons are qualified to supervise and give training—managerial staff—for the workers. Who will do it? We know that these days, even at the highest level, the family rules supreme. So, in most of the cases the employer's family members are employed as managers, supervisors, etc., etc. So, who will ensure that the people who are being employed are really qualified persons and they are really doing their job? So, merely passing a Bill won't help. We are passing many, Bills, we are enacting many welfare measures, but they are not being implemented properly. The most important part is proper implementation and that is not being done.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now the last point.

SHRIMATI KAMLA SINHA: Okay, Sir, I will try to finish very soon.

Now, Sir, some penal provisions have been made here. I would like to draw your attention to clause 11 on page 6 of the Bill. Now, everywhere people are working for eight hours a day. Here in this Bill, in clause 11 (a) it is stated, "for the words 'twelve hours', the words 'ten and a half hours' shall be substituted."

4.00 P.M.

What is this nonsense? I would like Mr. Sangma to clarify it. Are the plantation workers working for 12 hours a day? Is it not a violation of all our laws? They should be working for 8 hours a day. Then the Bill says:

"..."ten and a half hours" shall be substituted;" I would request the Minister to amend it and write "eight hours a day", not "ten-and-a-half-hours a day"

In another clause, clause No. 21, the penal provision is:

> "six months or with fine which may extend to ten thousand rupees..."

instead of "six months" if you really want to punish violators of this law, then, it should be very very strict and stringent. So, this punishment should be for one year, not for six months.

Then, there is child labour. I have an apprehension, Sir, This Bill wants that no women and children should be employed between 7 P.M. and 6 A.M. Chapter V says:

> "Except with the permission of the State Government, no woman or child worker shall be employed in any plantation otherwise than between the hours of 6 A.M. and 7 P.M."

No women works after sunset. As far as I know, plucking goes on during day—time, during the period of sunlight. So, this provision has some black meaning behind it. I have a feeling that you want to retrench women workers and child labourers. The Child Labour Abolition Act provides that no child under 14 should work, but, then, as far as plantation goes, it has been thought that it is really not

a hazardous work and that child labour can be employed in plantations. This Bill says that adolescent can work. That means one over 14 years of age.

This is section 22. I have a feeling that women workers are going to be retrenched. On many pretexts, on the pretext of hazardous work, from various fields, textiles, coal, mining, women have been elbowed out. Their number has gone down. This is only one sector where 50 per cent of the workers are women. So, I would like to have an assurance from the Minister on the floor of this House.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Minister, she wants some assurance.

SHRIMATI KAMLA SINHA: Mr. Minister, I am drawing your attention to this, and I would like to have an assurance from you on the floor of this House that no women would be retrenched because of passing of this Bill.

Another thing I would like to say is, Sir, that it is very good that we are passing this Bill, but these workers, as I said, are all indentured workers. They have been taken from various parts of the country. Especially in the North-East they have gone from Bihar and Chhota Nagpur plateau. These people have not been amalgamated into the local society. No local legislation, no panchayat provision covers them. They get no benefit of local legislations or other measures that have been miplemented in this country for employment better facilities of life, the IRDP, the NREP, TRYSEM etc. etc. Unemployment is also growing among the plantation workers. Among the plantation workers, the young generation is coming up, and the garden employers cannot absorb them. They cannot find jobs there. So, new jobs have to be created for them. For that, new evenues will have to be created for them. If they are absorbed in the schemes of the IRDP, the NREP, and the TRYSEM etc., some employment will ne created.

So, I would like the Minister to take these points into account and do something about them. Otherwise, it is good to pass a good Bill, but, as I said without proper implementation this will become another piece of academic exercise, and it will be good to have it in the library. Thank you.

श्री सुरेन्द्रजीत सिंह अहलूवालिया (बिहार) : उपसभाध्यक्ष महोदय, बागान श्रम संशोधन विधेयक, 1992 का समर्थन करने के लिए मैं खड़ा हुआ हूं। उपसभाध्यक्ष महोदय, जब से हमारी संस्कृति शुरू हुई है, तब से हम कहीं न कहीं कृषि समाज से जुड़े हुए हैं और जब से हमारे खानपान में परिवर्तन हुआ है तब से शायद हम लोग चाय के साथ भी जुड़े हुए हैं। यह बागान श्रम संशोधन विधेयक जो है, इसमें सबसे ज्यादा इन्वाल्वमेंट चाय बागान लेबरों का है। करीब 8 लाख 22 हजार से ज्यादा लोग चाय बागान वरकर्स इसमें इन्वाल्व हैं। महोदय, मेरे बचपन का कुछ वक्त असम में गुजरा है और मुझे इन्हें देखने का मौका मिला है और मैं समझता हूं कि चाय बागानों के मजदूरों की जो प्राब्लम है, ऐसा इत्तफाक है कि जो मंत्री महोदय चाय बागान संशोधन विधेयक ला रहे हैं, ये खुद उस इलाके के हैं। इन्होंने वहां की मुसीबतें झेली हैं और वहां की मुसीबतों को झेलते हुए ये बड़े हुए हैं और उन्हीं चाय बागानों में फले फूले हैं। मैं श्रीमती सिन्हा से एग्री नहीं करता, जैसा कि उन्होंने कहा कि हजारीबाग और छोटा नागपुर इलाके के लोग वहां जाकर मिक्सअप नहीं हो सके हैं। मैं जहां तक श्री पवन सिंह घटोवर को जानता हूं, इनका परिवार 150 साल पहले असम गया था और चाय बागानों में ही काम करने के लिए गया था। आज वे वहां से लोकसभा में निर्वाचित होकर आये हैं और इस देश के मंत्री बने हुए हैं।

श्रीमती कमला सिन्हा : कितने ऐसे मंत्री बने हैं ? इनके अतिरिक्त और उदाहरण बता दीजिए।

श्री सुरेन्द्रजीत सिंह अहलूवालिया : चाय बागानों से जितने भी एम.एल.ए. है वे सब बिहार के हैं ?

श्रीमती कमला सिन्हा : कौन हैं जरा बताइये ?

श्री सुरेन्द्रजीत सिंह अहलुवालिया : 15 एम.एल.ए. और 5 मिनिस्टर हैं असम में जो बिहार के इलाके से वहां गये हुए हैं और चाय बागानों वाले इलाके में रहते हैं।

श्रीमती कमला सिन्हा : कहां के लोग हैं ?

श्री सुरेन्द्रजीत सिंह अहलुवालिया : उड़ीसा से हैं, छोटा नागपुर इलाके से हैं।

श्रीमती कमला सिन्हा : जिनको राजनीतिक संरक्षण मिल गया वे ऊपर हो गये। बाकी लोगों का क्या हुआ ?

श्री सुरेन्द्रजीत सिंह अहलुवालिया : आपने जो कहा मैंने उसका जवाब दिया।

श्रीमती कमला सिन्हा : आपका जवाब सही नहीं है।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : वहां पर वे मिक्सअप हुए हैं। वहां पर कोई विभेद नहीं है, कि असमी है या देशवाली है। वहां की पापुलेशन के साथ वह मिक्सअप हो गये हैं, वहां समा गये हैं और वे अपने आपको असम का असमी समझते हैं और वहां काम करते हैं।

उपसभाध्यक्ष महोदय, जहां तक प्राबलम का सवाल आता है तो क्योंकि बागानों में और ऐसे खेतों में प्लांटेशन में शुरू से ही कुछ न कुछ खामियां रहती रही हैं और जो स्वतंत्रता संग्राम के इतिहास को जानते हैं या ब्रिटिश साम्राज्यवाद के अत्याचारों को जानते हैं, उनको पता है कि इंडिगो प्लांटेशन, जो हमारी कन्ट्री में नील की खेती होती थी, वे मैनचेस्टर में अपने कपड़ों को ब्लीच करने के लिए, या कपड़ों को रंगने के लिए नील की खेती भारत में कराते थे, और इसकी खेती भारत में होती थी और जिसका ज्यादा भाग बिहार और अविभाजित बंगाल में हुआ करता था। उस नील के खेती के कारण वहां की जमीन खराब हो जाती थी और वहां के मजदूरों पर बड़े बड़े अत्याचार होते थे। उस वक्त भी उस नील की खेती के लिये पेस्टीसाइड और इन्सेक्टीसाइड का यूज किया जाता था। उससे भी मजदूर ग्रसित होते थे और इसके कारण चम्पारन में महत्वपूर्ण आंदोलन हुआ। चम्पारन का जो महत्वपूर्ण आन्दोलन है उसके पीछे भी यही एक कारण था। 8 घंटे में से 6 घंटे उनको नील की खेती में काम करना पड़ता था और दो घंटे धान की खेती में काम करने का मौका मिलता था। यह शोषण और अत्याचार ब्रिटिश साम्राज्यवाद ने सिखाया था। ब्रिटिश साम्राज्यवाद तो इस देश से चला गया मानचेस्टर के कारखाने गांधी जी के खादी आन्दोलन के बाद बंद हो गये। आज मानचेस्टर देखने में भूत बंगला लगता है, जहां पर बड़ी बड़ी टेक्सटाइल की मिलें थीं, आज किस तरह से जंकयार्ड बन कर पड़ी हुई हैं। पर जाते जाते वह कुछ साहबनुमा चाय बागान के मालिकों को छोड़ गये। चाय का उत्पादन करने के लिए यह जरूरी होता है कि कीड़ों, मकोड़ों और दूसरी टिड्डियों से बचाने के लिए उस पर इनसेक्टीसाइड्स और पेस्टीसाइड्स का छिड़काव करना पड़ता है। इसका असर इनवार्यनमेंट पर भी पड़ता है और उस इलाके पर भी पड़ता है। जो आदमी वहां काम करता है, उस पर तो बहुत जोरों से असर पड़ता है। उपसभाध्यक्ष महोदय, मुझे बड़ा आश्चर्य होता है कि बिल तो आप लाए, इस बात को समझ कर लाए। मेरा कहना यह है कि अगर दिल्ली में भी किसी आदमी को पेस्टीसाइड या इनसेक्टीसाइड का असर हो जाए और वह मूर्छित हो जाए या इसका असर उसके खून में चला जाए या वह इनहेल कर ले या स्वेलो कर ले तो उसके लिए एंटीडोट मेडिसन कभी कभी दिल्ली में भी उपलब्ध नहीं होती है क्योंकि यह जापान, कोरिया, जर्मनी से आती है। जब दिल्ली में भी उपलब्ध नहीं है तो दूरदराज के चाय बागानों में या काफी के बागानों में या रबड़ के मैदानों में कैसे मिलेगी ? इसके लिए क्या प्रावधान

है? सरकार कैसे उनको मेडिसन दिलवायेगी, यह भी सोचने की बात है। आपके पास अस्पताल और ऐसे ट्रेंड आदमी जो सिर्फ इसी चीज में डील करते है, टोक्सीकोलोजी साइंटिस्ट हैं, वह कितने हैं? टोक्सिक कंडीशन से अफेक्टेड जो लोग हैं, उनको ठीक करने के लिए उनके पास सारे उपकरण उपलब्ध हों और इनको दूरदराज के चाय बागानों तथा काफी बागानों में उपलब्ध कराने के लिए क्या प्रावधान है तथा उसको मोनिटर करने के लिए सेंट्रल गवर्नमेंट क्या करने जा रही है? आपने अब तक कम्पनसेशन का कोई प्रावधान नहीं रखा। अगर कोई मज़दूर इनहेल कर लेटा है तो आपका सीधा सा बड़ा सरल जवाब आएगा कि जनरल वर्कमेंस कम्पनसेशन एक्ट के तहत उस को मुआवजा दिया जाएगा। मैं मानता हूं, ठीक है, जनरल वर्कमेंस कम्पनसेशन एक्ट आपने बना रखा है किन्तु उसके लिए जहां नार्मल कंडीशंस हैं या जहां पर एक्सीडेंट की सम्भावना नहीं है, कहीं हड्डी टूटने की सम्भावना नहीं है, कहीं लंग्ज खराब होने की सम्भावना नहीं है, कहीं हार्ट पर असर पड़ने की सम्भावना नहीं है, आंख, नाक कान खराब होने की सम्भावना नहीं है, उसको भी वही कम्पनसेशन और जहां खराब होने की सम्भावना है वहां भी वही कम्पनसेशन! यह कैसा कानून है? एक ऐसे माहौल में आप मज़दूर को काम करा रहे हैं जहां वह जानता है कि यह खतरा है। शराब की बोतल पर लिख देते हैं कि यह स्वास्थ्य के लिए हानिकारक है लेकिन जो पी रहा है वह जानता है कि यह स्वास्थ्य के लिए हानिकारक है। सिगरेट पर लिख देते हैं कि यह स्वास्थ्य के लिए हानिकारक है लेकिन वह जानता है कि यह स्वास्थ्य के लिए हानिकारक है। क्या आप चाय बागान में नौकरी के लिए यह लिखेंगे कि यहां काम करना स्वास्थ्य के लिए हानिकारक है, डोंट टेक दिस सर्विस। आप क्या करने जा रहे हैं? आप इनके लिए अलग कम्पनसेशन एक्ट का प्रावधान रखें और उसके तहत कम्पनसेशन देने का बन्दोबस्त करें नहीं तो आपके इन टी प्लांटेशन, कोको प्लांटेशन रबड़ प्लांटेशन या काफ़ी प्लांटेशन में और ब्रिटिश इंडिगो प्लांटेशन प्रोग्राम में क्या फर्क रह गया? 1951 में आपने यह एक्ट बनाया और समय समय पर इसमें संशोधन किये लेकिन आज तक इसके बारे में नहीं सोचा। हम अगले कुछ दिन बाद पाल गैस लीक पर एक बिल लाने जा रहे हैं। यह गैस कैसे लीक हुई? यह क्या बनाते थे? यह यही पेस्टीसाइड्स और इन-सेक्टीसाइड्स बनाते थे या केमिकल्ज बनाते थे जो इन चीजों में काम आते हैं। हमारी आंखों के सामने ऐसी घटनायें घटी है जो लोग भोग रहे हैं। और इसका असर एक दिन दो दिन का नहीं होता, यह कोई मच्छर का काटना नहीं है कि मलेरिया हो गया और क्लोरोक्विन खा ली तथा छः दिन के बाद बुखार उतर गया। एक बार अगर आदमी पेस्टिसाइड्स इन्सेक्टिसाइड्स की स्मेल को इन्हेल कर ले तो उसका असर एक साल दो साल बाद भी आ सकता है। आपकी आंख खराब हो जाए, आपका सुनना कम हो जाए। आपका एक हाथ काम करना कम कर दे। ये असर हो सकते हैं। वैसी अवस्था आने पर क्या कम्पेनसेशन जज करेंगे, आप यह सोचिए। इतना ही नहीं, आपने देखा होगा 1960 में नार्थ बंगाल में जो नक्सलवादियों का आंदोलन हुआ, उसके पीछे यही शोषण था। नक्सलबादियों का आंदोलन नक्सलबाड़ी के इलाके से जब हुआ तो वहां के जो चाय बागान के इलाके थे वहां से इनका असली आंदोलन शुरू हुआ क्योंकि उन्होंने खा कि ये शोषक समाज के लोग जो चाय बागान के मालिक बैठे हुए हैं ये किस तरह से उन पर अत्याचार कर रहे हैं, किस तरह से उनकी सुविधाओं को उपलब्ध न करा कर, उनसे वंचित रखकर उनका शोषण कर रहे हैं, किस तरह से चाय को एक्सपोर्ट करके तरह-तरह से अपना लाभ कर रहे हैं तथा इनका शोषण कर रहे हैं। उसके लिए आवाज उठाने के लिए उनको तैयार किया। वे एक सशस्त्र विप्लव के नाम पर खड़े हो गये। उसी तरह से खड़े हुए जिस तरह से चम्पारन में इंडिगो प्लांटेशन के खिलाफ हमारे बिहार के लोग खड़े हुए थे और गांधी जी की आवाज पर आंदोलन शुरू हुआ था। मेरे कहने का मतलब है कि ऐसा मौका क्यों मिले

[श्री सुरेन्द्र जीत सिंह अहलुवालिया]

कि लोगों को शोषित करने का मौका आए। अभी तक, अंग्रेजों के जाने के बाद ये जो मिल मालिक, चाय बागान के मालिक बैठे हुए हैं या काफ़ी बागानों के मालिक बैठे हुए हैं ये इस तरह से नाजायज फ़ायदा उठा रहे हैं।

इस बिल में सिर्फ प्लांटेशन की बात है। किंतु प्लांटेशन के साथ-साथ मैं जहां तक जानता हूं, चाय, काफ़ी, कोकोआ, और रबड़, इनके बागानों के साथ-साथ इनकी प्रोसेसिंग यूनिट्स भी होती हैं अगर इनकी प्रोसेसिंग यूनिट्स को देखा जाए तो इनमें भी तरह तरह के प्रोसेस ऐसे है जिनका इफेक्ट ह्यूमन बाडी पर, ह्यूमन लाइफ पर पड़ता है। उससे प्रोटेक्शन के लिए इस बिल में कोई प्रावधान नहीं है। उसके बारे में मंत्री महोदय क्या कहना चाहेंगे। मैं चाहूंगा कि मंत्री महोदय कम से कम इतना क्लियर कर दें और हम लोगों को बतायें... **(व्यवधान)**

Sir, can I have your attention, please?

इन्होंने कोई टाइम बाउंड प्रोग्राम नहीं बताया है। मैं इतना जानना चाहूंगा कि कितने दिनों के अन्दर इस तरह का इलाज करने के लिये अस्पताल लग जायेंगे या कितने दिनों के अन्दर जैसे लोगों का इलाज करने के लिये या वेल्फेयर के लिये वहां पर आदमी बहाल कर दिये जायेंगे और उनका टेन्योर क्या रहेगा। इन सबका प्रावधान आपने अब तक नहीं बताया और कब तक करेंगे? यह तो कह देंगे कि हमने बिल पास कर दिया, प्रेजीडेंट का असेंट हो गया और लागू हो गया। लागू तो हुआ लेकिन वहां इंप्लीमेंट हुआ कि नहीं हुआ, क्योंकि चाय बागानों के मालिकों के पास अभी तक इतना पैसा है कि ये लोगों की हथेलियों को गर्म कर सकते हैं और जो संदेह सब. सदस्यों को है वह संदेह मेरे को भी हैं कि यह कानून शायद हथेलियों पर गर्मी चढ़ने के बाद लागू नहीं हो। मंत्री महोदय चूंकि उस इलाके के हैं और उस समाज से आते हैं तो अपने साथियों और अपने भाईयों पर पूरी कृपा करने के लिये, इसको कैसे इंप्लीमेंट किया जाय, उसका बन्दोबस्त करें तथा एक टाइम बाउंड प्रोग्राम बनाकर इसको लांच करें। धन्यवाद।

उपसभाध्यक्ष (श्री जगेश देशाई): अभी जब बताया इसके बारे में, मुझे याद है कि मैं करीब 10–12 साल का होउंगा, गुजरात में एक पुस्तक थी उसका नाम था, चाय यानी मजदूर का लहू।

I read that book. After reading that, even though I was a boy of about 10 years of age, I was very sorry about the kind of exploitation that was going on in tea gardens. Because of such exploitations only, Members speak on these lines.

SHRI SUNIL BASU RAY (West Bengal): Sir, I find that this Bill came up for consideration after a news-item that we read in the newspapers that Indian tea fetched a price of Rs. 10,001|- in the international auction market some time back. It shows the rate of profitability that is there in this industry, in the plantation, industry, particularly tea, and the rate of explotation that is there at the cost of the workers. So we must stand unitedly to fight against all the problems, against all the practices that lead to further exploitation of the workers in work and out of work-both ways.

Now, this Act has been there on the Statute book for a pretty long time and if we take Shrimati Kamla Sinha's figures as correct, then there is a difference between the official figures and the figures given by her. The official book—Handbook of Labour—1990, gives us a different figure. It shows that if we take tea coffee and rubber plantations together the total number of persons employed in these industries is 5,80,000 of whom 4,21,000 are women. I think that this figure also is to be corrected. It shows that perhaps the Act is not applied in other plantations. That is why these figures are also not with the Government. The responsibility of making the Act applicable to all plantations rests with the Government and unless the Government does it, there will be no necessity of such

Acts and whether these Acts are on the Statute book or not, they do not affect the life of the workers. The Act becomes powerful not only by passing a Bill but by having a political will to implement those Bills after being passed. On that depends whether it will serve the purpose or not.

Much has been said about the problems of the workers. I do not want to repeat that. I only want to draw the attention of the Minister to the Monograph—Shram Shakti—whcih was published in 1988, that is, the report of the National Commission on Self Employed Women and Women in Informal Sector. It graphically states: What are the problems of workers relating to their health in plantation, what are the consequential results of those problems and what are the recommendations for removing those problems? I am quoting from that book.

1. "Occupation and some causal factors: Inhalation of dust, exhaustion due to heavy workloads, further increased by piece-rated wages by high environmental temperature and humidity lack of health and medical services and working bare-foot. It causes health problems such as lung infections and bronchial problems, physical stress, malnutrition, Helminthie infestations, dysentery, contact dermatitis nd other contact diseaese, heat stroke, ligh incidence of maternal and child mortality."

The recommendations of the *Shram Shakti* are:

"Regulation of hours of work through guaranteeing a living wage and regular employment; provision of personal protective equipments; provision of health and medical facilities alternate work allocation during and after pregnancy and warning and training about the use of chemcals."

As, regards tea-pickers, as Shrimati Kamla Sinha Ji told us that they work with unsafe chemicals in unsafe work terrains. As a result, insects and snakes bite them, and they suffer from allergies; occupational of bronchi pesticides hazards, accidents and falls due to steep slopes and pain in back due to carring heavy loads.

They have recommended that provision of personal protection equipment should be there. There should be reduction in workload by providing a living wage on a daily or time-basis and there should be a provision for medical and health facilities. So these two aspects are here brought out in focus by this Shram Shakti Report—that the safety and the working conditions and the wages are interlinked. There cannot be any safety if the worker is not strong enough to even carry his equipment. We have seen that in spite of very well defined, codified Act in mining industry, the welfare and safety provisions are generally not implemented. So in plantation, however good a Bill may be, unless the infrastructure is built up, there will be no implementation. For example, a provision for "garden hospital" and "group hospital" has been made in the Bill. Now what is the number of gardens to be covered by this? The number of gardens to be covered by a 'group hospital', the size of its commanding area, all these things are not defined in the Act. Unless these things are defined, these will only be resulting in violation and nothing else. The owners will not implement on the plea that the provisions are not categorical.

Now what diseases are there to be taken care of? In other industries also, as the hon. Minister may be aware, as, for example, in the Mines Act, some diseases are recognised and for the treatment of those diseases, as per the Act, there are some provisions made, but in practice those provisions are not implemented. Here also, we must take special care so that the occupational diseases are identified and an arrangement for their proper treatment should be made so that the workers do not have to suffer due to non-availability of treatment. There are other problems of housing and non-employment of children. The question of wages is also there. If you do not pay sufficient wage enabling the workers and their families to have nutritional food sufficient to pull up, they will be bound to violate the certificate and get their children employed in the plantation. This will be the result. Unless we pay them sufficiently to live comfortably unless

[Shri Sunil Basu Ray]

we do it, unless the Government takes care of it, there will be no implementation of this Act.

The next question is about the working hours. The working hours should be reduced. The number of weekly working days should be reduced and the number of daily working hours should also be reduced. If we do not do that, we will not be doing justice to the cause that we are espousing here. If we do all these things, only then can we talk of helping the workers and also the poor and the down-trodden people.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Shri David Ledger. Five minutes only.

SHRI DAVID LEDGER (Assam): Mr. Vice-Chairman, Sir, I rise to support this Bill. The Plantations Labour Act 1951 was passed to provide for the welfare of labour in plantations and to regulate the conditions of their work.. *(Interruptions)*.

SHRI MOHD. KHALEELUR REHMAN (Andhra Pradesh): Perhaps you are going to make your maiden speech.

SHRI DAVID LEDGER: I have to. Maiden speech as a Congress Member. That is right.

Sir the Act has been in force for almost 40 years but it became operative from the year 1954, but how far the Act has succeeded in dealing with the welfare of the labourfi class of the gardens is a matter of doubt. This Statement of Objects and Reasons laid down by the hon. Minister says that the Act did not contain any provision for dealing with the safety of the working class. Nor did it provide any safeguard for those workers in the plantations who handle hazardous substances like agro-chemicals mainly insecticides and herbicides of various kinds. So, by amending this Act certain safeguards in these lines are sought to be provided.

Sir, I belong to a State which produces approximately sixty per cent of the country's tea. At a distance of only 15 kilometres from my house, there is a tea garden. I have studied with the boys of the garden, I have grown up with them, I have seen their plight and I have seen their living conditions. We all know that Assam Tea is a major source of earning foreign exchange for this country. There are more than three million workers in the various tea gardens, and the coffe gardens of Assam. It is a huge workforce by any standards. But after 45 years of independence we have seen that precious little has been done for the welfare of these workers. Be it health, be it education, the plantation sector has always been deprived of the facilities which are available to the other sectors of industry. The garden workers always remained neglected. There is no proper facility for schooling. The garden workers have to live in poor health conditions as has been mentioned by a couple of of hon. Members. Housing provisions are still in a very pathetic condition. There is only about 60 per cent standard housing facility in the tea gardens of Assam. Electricity facilities cannot be compared to those in any other industrial sectors and the garden workers are practically living in darkness even at the end of the 20th century.

Sir, I have already stated that the Act had been in force from 1954 and the responsibility of implementing various provisions of this Act lay with the State Governments. But we have seen that the State Governments have not been discharging their responsibilities properly. The management of the plantations the management of the various gardens have been taknig full advantage of this weakness of the State Governments this negligence of the State Governments.

[The Vice-Chairman (Shrimati Jayanthi Natarajan) in the Chair]

Madam, I would like to say that primary education is one sector which is being totally neglected. If one goes to the gardens one will find that the children of workers are either illiterate or semiliterate, not to speak of higher education. Of course, those who have the chance to go out and have higher education have always shone in the society, they have always been able ot compete. But the chance or opportunity is very less. It has always been very less. The management always considered the appointment of teachers as an unproductive expenditure.

I would like to say that instead of leaving things in the hands of the management or the employers, the administration of the schools, the primary schools, which are situated in the gardens and their inspection, etc., the full responsibility, should lie with the State Governments. It should be taken up by the State Governments. It has never been therefore. It is important, as I have said, to build up the infrastructure for education in the gardens.

Madam, there has been an amendment to the parent Act and that amendment prohibits employment of chldiren below the age of 14 years in the plantations. I would like to say that these amendments will have no meaning unless proper facilities for education are provided in the gardens, because children who don't have the chance to go out and get themselves educated will definitely have to work in the gardens. They don't have any other option. If that happens, the purpose of bringing this amendment will be frustrated.

Madam, another sector which has always been neglected in the plantations, in the gardens, is the health and sanitation sector. This fact has also been admitted by the hon. Minister in the Statement of Objectives and Reasons. Madam, Section 10 of the Plantations Labour Act, says:

> "In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers and their families as may be prescribed by the State Government."

This Section has been amended. The amended portion says:

> "In every plantation, there shall be—
>
> (i) established a garden hospital within two years and a group Hospital within three years of the registration of that plantation with such facilities;"

Earlier this time-frame was not there. It has been incorporated in the amendment.

What do we mean by a 'group hospital'? A 'group hospital' is a hospital among a number of gardens. The primary hospitals which are situated in the gardens have very little medical facilities to offer to the labourers or their family members. So a 'group hospital' is a hospital which is supposed to provide better medical facilities. They are supposed to have better equipments, better physicians. But we have seen that these group hospitals have not come up and the hospitals which are there in the gardens have no facilities to offer to the people at all. So it is a good thing that time-frame has been stipulated. It is two years for a 'garden hospital' and three years for a 'group hospital'. But the Government will have to see that this time-frame is strictly implemented. Madam, the penal provisions have been amended here. Sections 33, 34, 35 and 36 have been amended. The quantum of imprisonment has been raised. The quantum of fine has been raised. It is a good thing. But unless these penal provisions are implemented, the employers and the proprietors will always continue to go scot-free and the interest of the workers will continue to suffer.

Madam, before I conclude I would only like to say that the plantation industry is an industry with a colonial background. So the management of these gardens, the employers of these gardens still have that colonial mentality. They have an eye on profits. They have an eye more on profits than on the welfare of the workers. As a result the working-class has always been given a very, very low profile. Their welfare, I should say, has always received the lowest priority. This has happened after they have contributed so much to the nation's revenue, so much to the nation's economy. May I say that the employers, the owners, the management have always failed in their social obligations. This has to be enforced. This has to be made mandatory. It is the duty of the Government to see that. The Government of India, the Central Government cannot merely leave matters to the State Governments. I have already said that the State Governments have failed in their duty and the management is having a field-day at the cost of

[Shri David Ledger]

the welfare of the workers. So the Government should see that the situation is reversed and the labour class is given a fair deal. I would also like to urge upon the Commerce Ministry to draw a comprehensive scheme for the welfare of the workers.

May I sound a note of caution to the Govenment that the working class in the gardens is an exploited community. There is a growing awareness among them that they are being exploited that they are being. Unless this growing awareness is not shown due respect, unless this awareness is not taken seriously there is a possibility of social explosion, there is a possibility of more social strains and tensions in the gardens of this country. Madam, both the Ministers come from an area where there are plenty of gardens ont only tea gardens but coffee gardens also. They are well acquainted with the plight of the workers. I sincerely hope that they will do their best to improve the situation in the gardens. I also hope that the amendments to the Plantations Labour Act, 1951 will go a long way in ameliorating the socio-economic lives of the downtrodden labour class of this country.

*SHRI TINDIVANAM G. VENKATARAMAN (Tamil Nadu): Madam Vice-Chairperson, I rise to support the Planations Labour Bill on behalf of my party. I also congratulate the Hon'ble Minister for bringing this Bill to improve the living conditions of plantation labourers. The Hon'ble Members who preceded me generally held the opinion that this Bill will remove the lacunae in the original Act and will bring some substantial benefits to the workers. However, I feel that a very important aspect has been left out. Insurance coverage is something very important to the plantation workers. But unfortunately their is no reference to this aspect in the Bill. So, I request the Hon'ble Minister to make some provisions for providing insurance coverage to the workers. Whether they are plantation workers or contract workers, insurance coverage should be provided to them.

There are many welcome features in this Bill. I am happy that keeping in view the health of the workers and their families there is a provision binding on the employers to construct two types of hospitals, garden hospitals and group hospitals. I wish ot reiterate a point made by Shri Narayanasamy and some other Hon'ble Members regarding implementation of the Act. Unless the Act is implemented in letter and spirit, these amendments would prove futile. Dwelling units is a basic necessity for the labourers. When we, in the Petitions Committee, visited different plantations, we observed with pain that the workers had no proper place to live. It was a pathetic plight. But I do not find any reference to providing them dwelling units in the Bill. I hope the Hon'ble Minister will have it in mind and do the needful. It should be incumbent on the employer to provide housing facilities to all the workers.

Madam, I have a pertinent point to make. Most of the labourers are not registered by the plantation owners in order to exploit them. Employers label most of the workers as 'Casual Labourer' to deny them the benefits of this Act. If we go to a plantation we will be told that there are only 10 labourers. But in actuality there will be about 50 more labourers under the category of 'Casual Labour'. Even the so called casual labourers are working there for years regularly. The only reason to term them so, is to deny their rue and exploit them to the extent possible. I don't find any provision in the Bill to safeguard their interest. The Hon'ble Minister should do his best to put and end to this kind of exploitation. *(Time bell* Just one more minute, Madam.

I wish there was a provision in this Bill to give compensation in case of death of workers. I feel, the family of the deceased should be given atleast Rs. 25,000 as compensation. Because, they are exposed to insecticides and chemicals they fall sick very often resulting in premature death. They are also bitten by

*English translation of the original speech delivered in Tamil.

poisonous creatures like snakes and scorpions in the gardens where they have to work. Therefore, employer should pay an amount not less than Rs. 25000 in the event of death of a worker. here is another welcome feature in the Bill providing punishment in case of non-implementation of the Act. If the implementation has to be fest and total it is necessary to monitor the implementaton in various states. Even central teams can be sent to different regions to monitor the implementation of the Act. I once again congratulate the Hon'ble Labour Minister for bringing this Bill,

Thank you.

*SHRI MISA R. GANESAN (Tamil Nadu): Madam, Vice Chairperson, the Hon'ble Labour Minister should visit different plantations in different regions to make a study of the problems faced by the workers. This will help in implementing this Act speedily. Even the Chief Minister of Tamilnadu very often goes Ooty to visit tea gardens there.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): No, No. I am calling the next speaker.

SHRI MISA R. GANESAN: Madam, I am not attributing motives. She might be really interested in the welfare of the labourers there. Our Hon'ble Labour Minister should also visit tea gardens like that to understand their problems. That is all I want to say.

श्री चतुरानन मिश्र : महोदया, यह जो प्लांटेशन लेबर अमेंडमेंट बिल है उसका तो सीमित लक्ष्य है। इसलिये उस पर आने के पहले मैं एक बात की चर्चा करना चाहूंगा कि हम लोगों ने यह योजना बनाई है कि इस शताब्दी के अन्त तक 1000 मिलियन किलोग्राम चाय का उत्पादन करे। इसका मतलब यह है कि काफी विकास इसका होगा। हमारे देश में चाय की खपत भी तेजी से बढ़ रही है। प्रत्येक साल करीब 4.8 परसेंट की दर से इसकी खपत बढ़ रही है। इसलिये इसके विकास की संभावना ज्यादा है। इसको देखते हुये मैं मंत्री महोदय से अनुरोध करूंगा कि वहां के मजदूरों की तनख्वाह का मामला जो है वह तो लड़ाई ट्रेड यूनियन वाले भी लड़ते हैं लेकिन उनके मकान, हाईजीन, उनके बच्चों की शिक्षा, मनोरंजन या जो दूसरे तरह की चीजें ये हैं बड़ी नेगलेक्टेड हैं। ट्रेड यूनियन भी इसकी तरफ जोर हमारे देश में नहीं दे सके हैं : इसलिये मैं मंत्री महोदय से अनुरोध करूंगा कि कुछ सोशियल जिम्मेदारी भी कम्पनियों की होनी चाहिये जो इतना प्रोफिट कमाते हैं। इसको देखते हुये एक ट्रिपारटाइट इंक्वायरी कमेटी प्लानटेशन लेबर के लिये फिर से बनाई जाय। जब हम आजाद हुये थे तो तुरन्त ऐसा किया गया था और उससे कुछ राहत मिली थी। इसलिये मैं चाहूंगा कि एक दूसरी ऐसी कमेटी बने जो इन बातों की जांच करे।

दूसरी बात मैं यह कहना चाहूंगा कि अब तो प्लानटेशन में मोडरनाइजेशन हो गया है और नये तरीकों से बागानों में खेती हो रही है। इसमें कहा गया है कि इंसेक्टिसाइड और कैमिकल्स का इस्तेमाल हो रहा है। इसके चलते क्या बीमारियां मजदूरों को हो रही है, इसके लिये मैं मंत्री महोदय से अनुरोध करूंगा कि एक मेडिकल एक्सपर्ट टीम इसकी जांच करे। यह मैं इसलिये कह रहा हूं कि मेरा ऐसा ख्याल है कि इन चीजों के हेंडलिंग से मजदूरों को बीमारियां हो रही हैं। इसलिये अगर इसका कोई निर्णय हो जाय तो उससे इंडस्ट्रियल डिजीज के तौर पर मजदूरों को कम्पेंसेशन दिया जा सकेगा। इसलिये मैं चाहूंगा कि इसकी जांच करवा दी जाय तो उनको आसानी से क्षतिपूर्ति भी मिल जायेगी। ये दो कमेटियां जांच करने के लिये अवश्य बनाई जायें।

जहां तक इस बिल के प्रावधानों का संबंध है उसके संबंध में मैं दो चार बातें कहना चाहूंगा। पहली बात तो यह है कि वर्कमैन की आपने जो परिभाषा की है उसमें कहा है कि 1600 रु0 तनख्वाह होगी। यह तो आज कल बहुत कम है। मैं मंत्री महोदय

*English translation of the original points made in Tamil.

[श्री चतुरानन मिश्र]

से कहूंगा कि इसको कम से कम दो हजार और ढाई हजार तक किया जाय ताकि उनको लाभ मिल सके। जिस ढंग से यह चल रहा है उसमें उनको कोई लाभ नहीं मिलेगा। यह आप रूल्स के अन्दर प्रोवाइड कर सकते हैं। आपने गार्डन हास्पिटल और ग्रुप हास्पिटल की चर्चा की है, लेकिन ये कितने बेड्स के होंगे, इस बारे में कुछ नहीं कहा है। इसलिये रूल्स के अन्दर इसका प्रावधान कर दीजिये कि इतने मजदूर जहां पर होंगे वहां पर मिनिमिम नम्बर आफ बेड्स इतने होंगे। अगर आप ऐसा नहीं करेंगे तो हास्पिटल मकान बनकर रह जायेगा।

जहां तक कम्पेंसेशन का सवाल है, इसके बारे में आपने कहा है कि मजदूर और मालिक मिलकर कोई सेटलमेंट करेंगे और कमिश्नर के यहां रजिस्ट्रेशन करेंगे। मैं कहता हूं कि इसको आप छोड़ दीजिये। मालिक लोग दबाव में सेटलमेंट कर लेते हैं। हम मजदूरों का आंदोलन चलाने वालों को इसमें बड़ी दिक्कत होती है। एक ही प्रोविजन आप रखिये कि कमिश्नर के यहां सेटलमेंट करेंगे। प्राइवेट लोग दवाब में आकर लिखवा लेते हैं। बाद में इसमें बड़ी दिक्कत होती है। दूसरी बात यह है कि काम के घंटों के बारे में अनेक माननीय सदस्यों ने कहा है कि इतने ज्यादा घंटे रखे गये हैं। ऐसा लगता है कि दोनों माननीय मंत्री आसाम से आते हैं, इसलिये काम के घंटे बढ़ाकर रख दिये हैं और काम के घंटे 10 रखे गये हैं। ऐसा लगता है कि दोनों मिनिस्टरों ने अपनी तरफ से एक एक घंटा ले लिया है इसके साथ ही एक बात यह भी कही गई है कि इंस्पेक्टर की अनुमति होगी तो 12 घंटे भी काम कर सकते हैं। इस प्रकार से आप एक हाथ से देते हैं और दूसरे हाथ से छीन लेते हैं। यह क्या तरीका है? यह स्पष्ट किया जाना चाहिये। सारी दुनिया में 8 घंटे काम के होते हैं। 8 घंटे काम के होने से दुनिया ढह नहीं गई है, भारत धंस नहीं रहा है और बागान भी धंस नहीं जायेंगे। इसलिये इसको स्पष्ट किया जाय।

एक निवेदन मुझे और करना है। सजा आपने बढ़ा दी है, अच्छा काम किया है और जुर्माने का क्लाज भी दे दिया है। ये लोग जेल से बचने के लिये इसका उपयोग करेंगे और जुर्माना देकर जेल से बच जायेंगे। इसलिये वहां पर जो आपने "आर" शब्द रखा है उसे काट दीजिये और अंग्रेजी के के "आर" शब्द के बजाय हिन्दी का और" शब्द रख दीजिये। इससे उनको जल और जुर्माना दोनों हो जाएगा। इसलिए आप अंग्रजी के "आर" के बजाय हिन्दी का "और' इसको कर दीजिए। जो लोग या कम्पनियां ला का उल्लंघन करती हैं उनके लिए आप प्राविजन रखिये जिसमें उनको जेल की सजा निश्चित रूप से होनी चाहिए। वैसे जेल और मुकदमों की जो व्यवस्था है वह एक अलग बात है। संक्षेप में यही मैं कहना चाहता था। मैं चाहता हूं कि मंत्री महोदया इन पर ध्यान देंगे। यद्यपि मैं इस बात से किफ हूं कि इन्टरनेशनल प्राइसेज रबड़ काफी और टी की घटी हैं और यह पिछले एक दो वर्षों के अन्दर हुआ है। सोवियत संघ के टूट जाने के बाद हमारे निर्यात व्यापार को भारी धक्का लगा है मैं इससे अवगत हूं। लेकिन अपने देश में जो खपत बढ़ रही है इसको देखते हुए मैं आपसे अनुरोध करूंगा कि इन्क्वायरी कमेटी की बात जो हमने कही इसको जरूर बैठाइये और यथार्थ में इनको कुछ सहायता पहुंचाये इनको मदद पहुंचाये। क्योंकि इनका भविष्य इसके एक्सपेंशन इसके विकास में है इसका ख्याल रखते हुए इसको किया जाय। धन्यवाद।

श्री मोहम्मद खलीलुर रहमान : मैडम वाइस चेयरमैन मैं प्लांटेशन लेबर अमेंडमेंट बिल 1992 को सपोर्ट करने के लिये खड़ा हुआ हूं। मैडम यह जो बिल है प्लांटेशन अमैंडमेंट बिल, 1992, यह 1954 में बनाया गया था। मगर इंतिहाई अफसोस की बात है कि कभी भी इस बिल को आज तक खुली नीयत

के साथ किसी स्टेट गवर्नमेंट ने लागू नहीं किया। हमारे मुल्क में कई टी प्लांटेशन गार्डन हैं काफी प्लांटेशन गार्डन हैं, रबर के गार्डन हैं, टुबैको के हैं, इनमें लाखों की तादाद में मजदूर काम करते हैं। सिर्फ टी प्लांटेशन में, चाय बागानों में ही लाख मजदूर काम करते हैं। मगर इसके बावजूद वहां जो मजदूर काम करते हैं उनको किसी किस्म की सहूलियत नहीं है। इम्पलायर यह चाहते हैं कि वे ज्यादा से ज्यादा तादाद में क्राप हासिल करें और क्राप हासिल करने के लिए वे फर्टिलाइज़र और पेस्टीसाइड वगैरह का काफी इस्तेमाल करते हैं। पेस्टीसाइट सेहत के लिए इंतिहाई खतरनाक चीज होती है। जब उस प्लांट पर इस्तेमाल किया जाता है, मजदूर बिचारे निहत्ते जो होते हैं, जो उनके उसूलों से वाकिफ नहीं होते वे पेस्टीसाइड को लेकर प्लांट पर मारते हैं, छिड़कते हैं। अगर जरा सा भी पेस्टीसाइड गलत इस्तेमाल की वजह से उनकी सांस में चला जाय तो उनकी जिंदगी को काफी खतरा होता है। इनके असरात या तो फौरी होते हैं या चंद महीनों और चंद सालों के बाद भी इसके असरात होते हैं। तो इस सूरत में यह जरूरी है कि उनके ताहफुज के लिए, उनके प्रोटेक्शन के लिए कुछ न कुछ कानून होना चाहिए, कोई लेजिस्लेशन होना चाहिए। चुनाचे इस बात को मद्देनज़र रखते हुए गवर्नमेंट आफ इंडिया यह बिल लाई है। मैं इसका वेलकम करता हूं।

दूसरी बात यह है कि जितने भी मजदूर हैं, जो काफी, टी, रबर और तम्बाकू के बागानों में काम करते हैं उनके लिए ग्रुप एश्योरेंस की कोई स्कीम नहीं है। मैं यह चाहूंगा कि उनके लिये ग्रुप एश्योरेंस की स्कीम लागू की जाय। मैडम, उनके लिये हाउसिंग की प्राबलम भी एक बड़ा मसला बनी हुई है। उनको हाउसिंग की सहूलियत दी जाय और उनके बच्चों के लिए मेडिकल फैसिलिटीज की भी सुविधा दी जानी चाहिए। वहां पर दवाखाने खोले जाने चाहिएं और बेहतर से बेहतर उनके बच्चों के इलाज का इंतजाम करना चाहिए। वहां पर उनके बच्चों के लिए किसी किस्म की एजुकेशन की फैसिलिटीज नहीं है। उनके बच्चों के लिए एजुकेशन की फैसिलिटी होनी चाहिए। इसके साथ ही मजदूरों के लिए मोबाइल क्रेचेज होने चाहिए ताकि वे अपने छोटे-छोटे बच्चों को काम पर जाने से पहले उन मोबाइल क्रेचेज में छोड़ सकें और उसके बाद काम पर जायें और अगर वक्तन-फवक्तन जरूरत हो वे बच्चों के पास आ सकें और उनकी देखभाल कर सकें और अपना काम भी कर सकें। इससे बच्चों के नसोनुमा में बड़ी मदद मिलेगी। फिर वहां पर जो लेडीज़ वरकर्स हैं उनके लिये आई.सी.डी.एस की स्कीम होनी चाहिए। उनके लिये इंटीग्रेटेड चाइल्ड डवलपमेंट स्कीम जरूर होनी चाहिए। फिर, अगर काम पर उनकी डेथ हो जाय तो डेथ कम्पन्सेशन का इसमें कोई प्रोविजन नहीं है। उनको डेथ कम्पनसेशन भी दिया जाय।

मैडम यह बिल एक अच्छे मकसद के लिए लाया जा रहा है, इसलिए मैं इस बिल का सपोर्ट करता हूं और मिनिस्टर साहब से यह चाहूंगा कि हमारी तरफ से जो सजेशंस दिये गये हैं उसे ताल्लुक से वे अपने रिप्लाई में हमको जरूर एश्योरेंस दें। शुक्रिया।

سا بھی پیسٹی سائیڈ غلط استعمال کی وجہ سے ان کی سانس میں چلا جائے۔ تو انکی زندگی کو کافی خطرہ ہوتا ہے انکے اثرات یا تو فوری ہوتے ہیں یا چند مہینوں اور چند سالوں کے بعد بھی اسکے اثرات ہوتے ہیں۔ تو اس صورت میں یہ ضروری ہے کہ انکے تحفظ کے لیے انکے پروٹیکشن کے لیے کچھ نہ کچھ قانون ہونا چاہیے۔ کوئی لیجسلیشن ہونا چاہیے۔ چنانچہ اس بات کو مدنظر رکھتے ہوئے گورنمنٹ آف انڈیا یہ بل لائی ہے۔ میں اس کا وہ کم کرتا ہوں۔

دوسری بات یہ ہے کہ جتنے بھی مزدور ہیں۔ جو کافی۔ ٹی۔ ربر اور ٹوبیکو کے باگانوں میں کام کرتے ہیں۔ ان کے لیے گروپ انشورنس کی کوئی اسکیم نہیں ہے میں یہ چاہوں گا انکے لیے گروپ انشورنس کی اسکیم لاگو کی جائے۔ میڈم انکے لیے ہاؤسنگ کی پرابلم بھی ایک بڑا مسئلہ بنی ہوئی ہے۔ انکو ہاؤسنگ کی سہولیت دی جائے اور انکے بچوں کے لیے میڈیکل فیسلیٹیز کی بھی سوید ھا دی جانی چاہیے۔ وہاں پر دواخانے کھولے جانے چاہیں اور بہتر سے بہتر انکے بچوں کے علاج کا انتظام کرنا چاہیے وہاں پر انکے بچوں کے لیے کسی قسم کی ایجوکیشن کی فیسلیٹی نہیں ہے۔ انکے بچوں کے لیے ایجوکیشن کی فیسلیٹی ہونی چاہیے۔ اسکے ساتھ ہی مزدوروں کے لیے

شری محمد خلیل الرحمٰن "آندھرا پردیش": میڈم وائس چیرمین۔ میں پلانٹیشن لیبر امنڈمنٹ بل ۱۹۹۲ کو سپورٹ کرنے کے لیے کھڑا ہوا ہوں۔ میڈم۔ یہ جو بل ہے پلانٹیشن امنڈمنٹ بل ۱۹۹۲ یہ ۱۹۵۴ میں لایا گیا تھا مگر انتہائی افسوس کی بات کہ کبھی بھی اس بل کو آج تک کھلی نیت کے ساتھ کسی اسٹیٹ گورنمنٹ نے لاگو نہیں کیا۔ ہمارے ملک میں کئی ٹی پلانٹیشن گارڈن ہیں۔ کافی پلانٹیشن گارڈن ہے۔ ربر کے گارڈن ہیں۔ ٹوبیکو کے ہیں۔ ان میں لاکھوں کی تعداد میں مزدور کام کرتے ہیں۔ صرف ٹی پلانٹیشن میں۔ چائے کے باگانوں میں ہی ۸ لاکھ مزدور کام کرتے ہیں۔ مگر اس کے باوجود وہاں جو مزدور کام کرتے ہیں ان کو کسی قسم کی سہولیت نہیں ہے۔ ایمپلائر یہ چاہتے ہیں کہ وہ زیادہ سے زیادہ تعداد میں کراپ حاصل کریں۔ اور کراپ حاصل کرنے کے لیے وہ فرٹیلائزر اور پیسٹی سائیڈز وغیرہ کا کافی استعمال کرتے ہیں۔ پیسٹی سائیڈ صحت کے لیے انتہائی خطرناک چیز ہوتی ہے۔ جب اسکو پلانٹ پر استعمال کیا جاتا ہے۔ مزدور بیچارے ننھے ننھے ہوتے ہیں۔ جو انکے اصولوں سے واقف نہیں ہوتے وہ پیسٹی سائیڈ کو لیکر پلانٹ پر مارتے ہیں۔ چھڑکتے ہیں۔ اگر ذرا

موبائیل کوچیز ہونے چاہئیں۔ تاکہ وہ اپنے چھوٹے چھوٹے بچوں کو کام پر جانے سے پہلے ان موبائیل کوچیز میں چھوڑ سکیں اور اس کے بعد کام پر جائیں اور اگر وقتاً فوقتاً ضرورت ہو وہ بچوں کے پاس آ سکیں اور ان کی دیکھ بھال کر سکیں اور اپنا کام بھی کر سکیں۔ اس سے بچوں کے نشوونما میں بڑی مدد ملے گی۔ پھر وہاں پر جو لیڈیز ورکرس ہیں انکے لیے آئی۔ سی۔ ڈی۔ ایس۔ کی اسکیم ہونی چاہیے ان کے لیے انٹگریٹیڈ چائلڈ ڈیولپمنٹ اسکیم ضرور ہونی چاہیے۔ پھر اگر کام پر انکی ڈیتھ ہو جائے تو ڈیتھ کمپنسیشن کا اس میں کوئی پروویژن نہیں ہے۔ انکو ڈیتھ کمپنسیشن بھی دیا جائے۔

میڈم۔ یہ بل ایک اچھے مقصد کیلئے لایا جا رہا ہے۔ اس لیے میں اس بل کا سپورٹ کرتا ہوں اور منسٹر صاحب سے یہ چاہوں گا کہ ہماری طرف سے جو سجیشنس دیئے گئے ہیں۔ اس کے تعلق سے وہ اپنے ریپلائی میں ہم کو ضرور انشورنس دیں۔ شکریہ

"ختم شد"

5.00 PM

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): This is the last speaker. I would like to take the sense of the House. Mr. Minister, how long will you take for your reply?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI PABAN SINGH GHATOWAR): About 10 to 15 minutes.

[Transliteration in Arabic Script]

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): I am just taking the sense of the House. It is only the reply which is left. We can either complete it and take up the clarifications or we will put the reply off and take up the clarifications.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): We should take up the clarifications because there are clarifications on two statements.

SHRI MOHD. KHALEELUR RAHMAN: Only reply is there. Let it be over.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Whatever the House wants... (*Interruptions*) Yes, Mr. Minister.

SHRI PABAN SINGH GHATOWAR: Madam Vice-Chairman, I am grateful to all those hon. Members who have taken part in the discussion and given various suggestions about the improvement of working and living conditions of tea garden workers.

Madam, this is an Amendment with a limited purpose. We have a full Plantations Labour Act, enacted way back in 1951, and that Act came into force in 1954. And the last Amendment to this Act was in 1981. When the Government of India called the Industrial Committee on Plantations to review about the implementation of the Plantations Labour Act, in that Industrial Committee, all the employers' organisations functioning in the plantation areas and almost all the national trade unions functioning in the plantation areas were represented. They had seriously discussed about the implementation of the Plantations Labour Act, and in their wisdom, they had formed a Subcommittee to go into the details about the implementation part of the Plantations Labour Act. And they have come with some conclusions, and these Amendments are basically based on those conclusions arrived at by the tripartite Sub-committee of the Industrial Committee on the Plantations.

Madam, many hon. Members have expressed their concern about the working

[Shri Paban Singh Ghatowar]

and living conditions of the tea garden workers. Specially, Smt. Kamla Sinhaji and many other hon. Members expressed their concern about the plight of the working class in the plantation areas. It is true that tht plantation industry basically was a colonial industry. It was established by the colonial masters 200 years back, and the life in the plantation industry was really very bad. But, after the enactment of the Plantations Labour Act, there was a sea-change in the living and working conditions of the plantation workers in Assam and elsewhere. Under enactment this Plantations Labour Act, the Government has made provisions about their working conditions, working hours, medical facilities, housing facilities and others. And the implementation part of this Act has been entirely the responsibility of the State Governments.

Madam, some hon. Members expressed their concern about the housing conditions. It is true that the housing facility in the plantation area is not cent per cent. It is something like 60 per cent Hon. Member, Mr. David Ledger has mentioned that it is about 60 per cent. Still, many of the provisions of the plantations Labour Act are not properly implemented. For that reason only we have brought this Amendment with deterrent measures, increasing the punishment and fine in regard to those defaulting employers who are not implementing the provisions of the Act. There is a whole chapter in the Plantation Labour Act under which the State Government will have an Inspectorate headed by the Chief Inspector of Plantations assisted by Regional Inspectors and Labour Inspectors to see to the implementation of this Act. I think the State Governments are also trying their best to implement this Act. Whatever ills we find in this industry have been inherited from the earlier days and is not a one-day affair to fully set right everything just by passing this legislation. I think the State Governments are seriously taking interest in the improvement of the working and living conditions of the tea garden workers.

I can't say much about South India, but I can say about northern parts of India and specially the North-East, Assam and Bangal and even in the case of Bangladesh—because those days it used to be a part if India—all the working population in the plantation industry migrated from the Central Province of India, that is, part of Madhya Pradesh, part of Andhra Pradesh, part of Orissa and Chota Nagpur region, because the local people were not interested to work in the plantations. The British planters took that work force to those parts. But those workers have by now become a part and parcel of the people of those regions. Plantation workers in Assam are a part and parcel of Assamese population. So is the case with other regions. These plantation workers are taking part in all the activities there. Many of them are the elected representatives of the people in Assam and other regions. They do not represent plantation workers or the tea garden community. They represent the people of that State. My own forefathers migrated to Assam about 150 years ago from the Central Province and they used to work in plantations. Of course, later on we shifted to cultivation. So it will not be correct to say that these people are isolated. Yes, they are isolated in the sense that they live in a colony in an isolated remote place where they face many problems, social problems and others. They do not have better education facilities for their children. One hon. Member said about education. There is a clear provision for education in the Act. It is the responsibility of the management under the Act that where the number of children is more than 25 in any plantation, the management is bound to provide a primary school for the education of the children of tea garden workers.

Previously the dependent of a male worker only was treated as dependent to claim all the facilities like concessional food stuff and medical facilities etc. With this amendment, because more than 45 per cent of workers in plantations are women, we have provided that dependent

of a woman worker also will be entitled to those benefits. Shri Jagesh Desai from the Chair asked about plantation industry in the public sector and what happens if the public sector employer violates the Act. Previously there was no provision in the Act but now we have included Government officials also under the employer category and they are treated equally as private employer under the Act. Madam, a lot of concern has been expressed by hon. Members on the use of pesticides and weedicides in the plantations. Tea is basically an agro-based industry. It is a very popular drink all over the world. The people to whom we sell our tea must be naturally concerned with their health. Sixty per cent of the Assam tea is sold in Europe. The people there would be concerned about their health and they would not be very much interested in taking something which is injurious to their health. I think the chemicals that we use in our tea plantations are generally not of a poisonius type. These are mostly pesticides and weedicides. There is an agency which certifies the chemicals used. There is a scientific...

SHRI S. S. AHLUWALIA: I was not talking about that. I was not saying that the tea is poisoned. I was talking about the workers, the labourers, who spray these pesticides and insecticides. These workers may be affected. Not the tea. Those who do the spraying would be affected. I was asking about that.

SHRI PABAN SINGH GHATOWAR: That is the reason why we have brought forward this amendment. In this, we have given some safety protection. It provides for giving protective clothing and protective implements to the workers so that when they are handling these chemicals, they will use these protective implements.

SHRI V. NARAYANASAMY: What about compensation?

SHRI PABAN SINGH GHATOWAR: There are inspectors to look after these things. In regard to medical facilities, the State Governments have appointed Inspectors who go to the plantations and check as to what type of medical facilities have been provided in these plantations. There are Labour Inspectors, there are Plantation Inspectors, appointed by the State Governments. They go to the plantations and see whether the provisions of the Act are being implemented. Of course, I must admit that everything is not well in the plantations. That is the reason why the Government of India decided to bring forward this amendment.

Madam, with these words, I would humbly request all hon. Members to support this amendment so that the plantation workers all over the country can get the benefits of this legislation. Thank you.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): The hon. Minister has answered all the questions.

SHRI S. S. AHLUWALIA: What about the compensation?

SHRI V. NARAYANASAMY: What about the compensation part? There is nothing in this Bill.

SHRI S. S. AHLUWALIA: He is still talking about the Workmen's Compensation Act. Why not a separate provisions here in regard to compensation? He should assure the House that he would bring forward legislation in this regard.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): I just want to point out one thing. I do not want to allow any further questions. I would request hon. Members to co-operate because we have the clarifications on the two statements made yesterday and then we have the Half-an-hour Discussion.

SHRI S. S. AHLUWALIA: He should assure us.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): He is replying to it, but I wanted to say this in order to stop further questions.

SHRI TINDIVANAM G. VENKATARAMAN: What about group insurance?

[Shri Tindivanam G. Venkataraman]

Is the Government thinking of introducing a Group Insurance Scheme for the workers?

SHRI PABAN SINGH GHATOWAR: Madam, as of now, the plantation workers are covered by the Workmen's Compensation Act. They are getting all the benefits available under the Workmen's Compensation Act. The hon. Member has asked about group insurance. I think majority of the workers are members of the EPF organisations.

SHRI TINDIVANAM G. VENKATARAMAN: I am not talking about provident fund.

SHRI PABAN SINGH GHATOWAR: In the EPF scheme, we have the Deposit-linked Insurance Scheme.

SHRI TINDIVANAM G. VENKATARAMAN: Provident fund is different from insurance.

SHRI PABAN SINGH GHATOWAR: We have the Deposit-linked Insurance (DLI) Scheme. All the plantation workers are covered by it.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Now the question is:

> "That the Bill further to amend the Plantations Labour Act, 1951, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 25 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI PABAN SINGH GHATOWAR: Madam, I move:

That the Bill be passed.

The question was put and the motion was adopted.

ALLOTMENT OF TIME FOR CONSIDERATION OF THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) AMENDMENT BILL

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): I have to inform the Members that the Business Advisory Committee at its meeting held to day, 30th July, 1992, allotted 3 hours for consideration and passing of the Banking Companies (Acquisition and Transfer of Undertakings) Amendment Bill, after it is passed by the Lok Sabha.

CLARIFICATIONS ON THE STATEMENT BY MINISTER REGARDING ROCKET ATTACKS IN SRINAGAR AND SITUATION IN DODA TOWN

डा० बलदेव प्रकाश (उत्तर प्रदेश) : उपसभाध्यक्ष महोदया, मंत्री महोदय ने जो वक्तव्य दिया है श्रीनगर पर राकेट दागे जाने और डोडा कस्बे की स्थिति के बारे में, उसके बारे में मैं यह कहना चाहूंगा कि मंत्री महोदय ने स्थिति की गंभीरता को कम करके यह वक्तव्य दिया है कि पहले से गुणात्मक परिवर्तन जम्मू और कश्मीर की स्थिति में आया है । उस परिवर्तन की मंत्री महोदय ने व्याख्या नहीं की, केवल इतना ही कहा है कि प्रशासन और जनता में आपस में इंटरएक्शन संभव हो सका है और कुछ सूचना वगैरह अधिक मिली है । मैं मंत्री महोदय से यह पूछना चाहता हूं कि क्या यह उनकी जानकारी में है कि डोडा जिले में चिंदा और चांदा, दो स्थान हैं, जहां पर आज भी आतंकवादियों के ट्रेनिंग कैम्प चल रहे है ? डोडा जिले में एक हजार से अधिक ट्रेण्ड आतंकवादी इस वक्त वहां मौजूद हैं और इसके अलावा जो बाकी आबादी है वह उनके साथ संपर्क रखती है और उनको गोला-बारूद और हथियार पहुंचाने के लिये लगे रहते हैं, यह डोडा की घटना से बिल्कुल स्पष्ट हो जाता है । उसी रास्ते से यह सभी आतंकवादी ट्रेनिंग लेकर आते हैं, जहां पर सन् 1950 में इनफिलट्रेशन हुई थी बड़ी मात्रा

में... (समय की घंटी).. अभी तो बहुत पड़ा है।

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): You have to ask clarifications. Do not give a speech, Please be brief.

डा० बलदेव प्रकाश : स्पीच नहीं कर रहा, मैडम । मैं यह पूछना चाहता हूं मंत्री महोदय से, कि क्या यह उनकी जानकारी में है ? मैं यह भी पूछना चाहता हूं कि उस दिन क्या कारण था कि जिले के सभी मुख्य आफिसर अनुपस्थित थे । क्योंकि डिप्टी कमीश्नर नहीं था, एस०पी० नहीं था, डी०आई० जी० नहीं था और आपने कहा है कि इंटर-ऐक्शन हो गया है। इंटर-एक्शन यह क्या हुआ वहां पर कि घरों से पुलिस पर और सी०आर०पी०एफ० पर गोलियां चलनी शुरू हो गई ?

महोदया, इन्होंने वक्तव्य में कहा कि किसी भी पुलिस थाने पर या पुलिस स्टेशन पर या सरकारी दफ्तर पर आतंकवादियों का कब्जा नहीं हुआ, लेकिन सारे डोडा कस्बे पर उनका कब्जा था । तीन घंटे तक गोली-बारी हुई और तब जाकर स्थिति सामान्य हुई, जब वहां पर सेना पहुंची । वक्तव्य में मंत्री महोदय ने कहा है कि निकट के स्थान से सेना वहां गई । जिस स्थान से सेना आई, वह स्थान डोडा कस्बे से 15 किलोमीटर दूर है। वहां सेना को आने में कितना समय लगेगा, आप खुद इसका अंदाजा लगाइये कि 15 किलोमीटर से सेना आई और सेना आने के बाद स्थिति जो है, सामान्य हो सकी । तो मैं यह जानना चाहता हूं मंत्री महोदय से कि वहां पर यह सरकारी उच्च आफिसर उपस्थित क्यों नहीं थे ? वहां पर सी०आर०पी०एफ० के बाद में, गोली बारी खत्म होने के बाद उन मकानों, की जहां से गोलियां चलीं थीं वहां की, तलाशी ली या नहीं ली ?

महोदया, मंत्री महोदय यह भी बतायें कि जो हताहत हुये शहरी और सुरक्षा कर्मचारी और जो मरे पुलिस का एक सब इंस्पेक्टर ,सी०आर० पी० एफ० का हैड कांस्टेबल और दो शहरी, उनको सरकार की तरफ से क्या मुआवजा दिया गया ? क्या रीलीफ उनको प्रदान की गई है ?

महोदया, मैं मंत्री महोदय से यह भी पूछना चाहता हूं कि क्या घटना के बाद वहां से सी०आर०पी०एफ० को विदड्रा कर लिया गया ? अगर विदड्रा कर लिया गया तो क्या कारण थे ? इतनी बड़ी घटना होने के बाद से उनका विद-ड्रा करना क्या उस कस्बे को और अधिक आतंकवादियों के हवाले कर देने के बराबर नहीं होगा ?

यही मेरे स्पष्टीकरण हैं, जो मैं मंत्री महोदय से पूछना चाहता हूं ।

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष महोदया, 20 जुलाई कोर श्रीनगर में जो सरकारी सचिवालय है और जो वहां की विधान सभा है, उस पर हमला होता है और थोड़ी-बहुत क्षति भी होती है और इसके बावजूद भी गृह राज्य मंत्री अपने वक्तव्य में कहते हैं कि जो स्थिति श्रीनगर या कश्मीर की है, इस; बेहतरी की दिशा में काफी परिवर्तन आया है। अब अगर सिविल सैक्रेटरिएट और लेजिस्लेटिव असेम्बली पर अटैक हो और उसके बाद भी अगर कोई सरकार यह सोचे कि वहां की स्थिति में बेहतरी आई है तो उस सरकार को तो मुबारकबाद देनी चाहिये । दूसरी घटना जो डोडा में होती है, उसमें दो पुलिस अधिकारी मारे जाते है, दो सिविलियन मारे जाते हैं । मेरा एक प्रश्न यह है कि क्या यह सही है कि डोडा में जिस दिन घटना हुई अर्थात् 18 जुलाई को, उस दिन वहां पर एक भी वरिष्ठ पुलिस के या एग्जीक्यूटिव अधिकारी वहां पर मौजूद नहीं थे । डोडा जो कस्बा है, जहां तक मेरी जानकारी हो पाई है, उसमें करीब 10 हजार लोगों की आबादी है । मैं यह जानना चाहूंगा कि जिस

[श्री सत्य प्रकाश मालवीय]

दिन वहां पर घटना घटी, उस दिन वहां पर कोई भी पुलिस के या अन्य जो सिविल के अधिकारी हैं, मौजूद थे या नहीं थे ?

दूसरे मैं जानना चाहता हूं कि अभी वहां के गवर्नर ने भी इस बात को स्वीकार किया है कि जम्मू और कश्मीर में या श्रीनगर में जो अफगान मुजाहिदीन हैं, वे घाटी में सक्रिय हैं। गवर्नर ने इस बात को स्वीकार किया है । इसलिये मैं जानना चाहता हूं कि इसके बारे में केन्द्र सरकार को क्या जानकारी है ?

तीसरे, जम्मू और कश्मीर में कितने उग्रवादी अब तक आत्म-समर्पण कर चुके हैं ? चौथे, जिन दो लोगों की मृत्यु हुई है, पुलिस के अधिकारी, सब इंस्पेक्टर या जो दूसरे सिविलियन, डोडा में उनके जो आश्रित हैं, उनको सरकार की तरफ से क्या कम्पनसेशन दिया गया है ?

इसी संदर्भ में चूंकि सारे जम्मू और कश्मीर की चर्चा की है, अभी सरकार ने खुद स्वीकार किया है कश्मीरी पंडितों के बारे में, तो मैं यह जानना चाहता हूं कि जो कश्मीरी पंडित हैं, वे अपने राज्य में वापस जायें, अपने घर में वापस जाकर रह सकें, इस सिलसिले में केन्द्र सरकार की ओर से क्या कदम उठाये जा रहे हैं ?

वहां पर आज कितने ऐसे टेरेरिस्ट आरगेनाइजेशन्स हैं जो सक्रिय हैं ? क्योंकि पहले यह कहा जाता था कि करीब-करीब 44 ऐसे टेरेरिस्ट आरगनाइजेशन्स हैं जो वहां पर सक्रिय हैं। तो मैं यह जानना चाहता हूं कि जो 44 टेरेरिस्ट आरगेनाइजेशन्स की बात की जाती हैं, वह वाकई सही है या सही नहीं हैं और उन टेरेरिस्ट आरगेनाइजेशन्स को खत्म करने के लिये सरकार की ओर से क्या कार्यवाई की जा रही है ?

SHRI N. GIRI PRASAD (Andhra Pradesh): Madam, the Home Minister's statement on Kashmir developments has nothing much to say on the actual incidents which took place in Srinagar and also in Doda town. But the statement contains a sentence here which speaks about some Government assessment of the situation: "The situation in Jammu and Kashmir, though difficult and challenging, has shown a qualitative change for the better in the past few months". Perhaps, it is in view of this assessment that the Home Minister, Mr. Chavan, has also said that elections will be held soon. But recently the Kashmir Governor, Mr. Saxena, has said that there is definitely an increase in the militant activity in the Valley. So, when there is a large amount of activity by the militants, how can the Government come to the conclusion that there is a qualitative change for the better?

That I don't understand. I hope the hon. Minister will explain this position.

Secondly, yesterday our hon. Minister said in a written reply that about 4,450 militants or other people had crossed over to the other side of the line of control and that, perhaps, the might have gone for training and other purposes. If that is true, if thousands of people are crossing over to the other side for getting traning and other things, does it mean that the situation has improved for the better? Moreover, ... (Time bell rings)

Please, Madam, excuse me.

Please, Madam, excuse me. There are 200 armed. Afghans also inside Kashmir. How did the come inside? That we do not know When Pakistan is helping all these people in a very big way, when people are going and coming back and coming with a lot of training, money and other things, when such things are taking place, what is the basis for Government's assessment of an improvement in the situation in a qualitatively different way?

The other point that I would like to ask from the hon. Minister is this. Some suicide squads have also been formed, and they are creating their own problems. If these suicide squads take to large-scale violence and attacks, natural-

ly, it creates serious problems not only in the Kashmir valley but in many other places also. Even one officer was killed. That leads to a lot of heart-burning and anger and also agitation in the minds of the people all over the country. We know, when people were kidnapped, how our countrymen were reacting to those incidents.

Lastly, the US President, Mr. Bush, in a recent interview on this matter, said:

> "U.S. is aware of the nearly half a century of ethnic and religious clashes in Punjab and Kashmir and expects India to ensure that international human rights protocols are upheld."

According to him, the problem is of maintaining human rights there. But, why should the Government of India, especially the Foreign Minister and other people, not start a dialogue with the USA or take up these matters with the international community, the US President, the US Government? Why should they interfere in these matters? In fact, these are not true also. There have been no clashes for half a century among ethnic groups. We never heard of that. All these things have been created by Pakistani elements. They have been helped by the US Administration also for some time. This is a phenomenon of one decade or so. My appeal to the Minister is that the Government of India should take it up with the US Administration also. Whenever they make such comments, we should object to that. We should educate the people all over the country on the real situation inside Kashmir, on how Pakistan is helping the terrorists. Of course, our Government may be talking to some people here and there. According to me, that is not sufficient. Unless we take it up in a big way, the international community may take just a neutral attitude on this matter. Particularly the US Administration must be told to ask the Pakistan Government to stop all this activity encouraging these terrorists.

I hope the Minister would clarify these points and ensure that the situation would turn for the better. But, according to me, it is not such a qualitatively better things it is not such a qualitatively better thing methods of suppressing the militants they must be told that the gun will not win the battle ....

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): You have to conclude now.

SHRI N. GIRI PRASAD: Yes.

The people must be won over. There are some good symptoms. Because of atrocities committed by the militants on the people, the people are coming back and there may be certain feelings. Perhaps, the Minister may want to convey those sentiments here, but, anyhow, they are not very firm sentiments. It is a very vague idea, and that should be encouraged.

The Government should launch a three-pronged activity—suppressing the militants, also winning over the people and taking it up in a big way all over the world to discourage the Pakistan Government from interfering in our internal affairs.

Thank you, Madam.

श्री सुरेन्द्रजीत सिंह अहलूवालिया (बिहार) : महोदया, जून के अंतिम सप्ताह और जुलाई के पहले हफ्ते में गृह मंत्री महोदय का बयान आ रहा था कि कश्मीर की अवस्था दिन पर दिन सुधर रही है और वहां चुनाव की प्रक्रिया शुरू करने जा रहे हैं और चुनाव की प्रक्रिया वहां की ग्राम पंचायत या म्युनिसिपल कारपोरेशन से शुरू की जाएगी। पर यह दुर्भाग्यपूर्ण घटना जिसके बारे में मंत्री महोदय ने बयान दिया है कि वहां के राज्य सचिवालय और विधानसभा के ऊपर राकेट के माध्यम से हमला किया गया है, यह वाकय बड़ी शर्मनाक चीज है जब कि इतनी पैरा मिलिट्री फोर्सेस की मूवमेंट बार्डर एरिया होने के कारण वहां पर हो रही है। वहां ऐसी घटनायें घट रही हैं और दिन पर दिन बढ़ती जा रही हैं। यह बड़ी शर्मनाक चीज है। मैं मंत्री महोदय से जानना चाहूंगा कि चूंकि यह बार्डर का एरिया है और वहां तरह-तरह के राडार्स भी हैं, क्या यह जो

[श्री सुरेन्द्रजीत सिंह अहलूवालिया]

पोर्टेबल राकेट्स हैं, इनको क्या राडार्स कैच करते हैं और अगर राडार्स कैच करते हैं तो यह बहुत ही आसान है लोकेट करना कि किस इलाके से यह राकेट चलाया गया है और जअगर उस इलाके का आईडेंटिफिकेशन हो जाए तो उस इलाके की कार्म्बिग की जा सकती है। पर जहां तक मैं जानता हूं वैली के कुछ इलाके ऐसे हैं जहां आज तक पुलिस प्रवेश नहीं कर सकी है और जब भी प्रवेश करती है तो वहां पर क्रास फायरिंग होती हैं और हथगोले चलाते हैं।

महोदया, मैं मंत्री महोदय से जानना चाहूंगा कि वैली के किस-किस इलाके में आज तक पुलिस या पैरा मिलिट्री फोर्सेस प्रवेश नहीं कर सकी हैं और अगर प्रवेश नहीं कर सकी हैं तो उसके बावजूद कैसे सरकार बयान दे रही है कि वहां चुनाव हो सकते हैं। यह सोचने की बात है। उसके बाद एक नई बात वहां देखने में आई है कि पहले वहां से कश्मीरी लोग माइग्रेट करके चले गए थे पर जो सिख समाज है, वह कश्मीर में बहुत अच्छी संख्या में बसा हुआ है और खास करके देहातों में बसा हुआ हैं। उन्होंने वह इलाका नहीं छोड़ा था पर अभी कुछ दिनों से वहां पर कुछ ऐसी घटनायें सामने आ रही हैं कि सिख नौजवान लड़कियों का अपहरण हो रहा है और इस अपहरण के आतंक ने देहाती सिखों को भी मजबूर किया है कि वे वहां से माइग्रेट करके दूसरे सेफ प्लेसेज में चले जायें। क्या यह घटनायें सच्ची हैं? इन पर मंत्री महोदय क्या कार्यवाही करने जा रहे हैं?

श्री नाजा अबेदुल्ला खान इज्जी (उत्तर प्रदेश): मैडम, हमारी मरकजी सरकार इस बात से बखूबी वाकिफ है कि कश्मीर में हर निहार जानिब एक खूनी मंजर है जो पूरे कश्मीर में इंसानियत की लाश को और आदमियत के उसूलों को पूरी तरह भस्म कर रहा है। मैं सिर्फ दो बातें जानना चाहूंगा कि होम मिनिस्टर साहब ने कहा है कि श्रीनगर में ऐसेंबली और सेक्रेटेरियट पर आतंकवादियों ने राकेटों से हमला किया हैं। मैं कहना चाहूंगा और पूछना चाहूंगा कि हादसा तो बहुत खतरनाक है ही जब कि पूरा कश्मीर हादसात का खूनी मंजर पेश कर रहा है। तो ऐसी सूरत में हमारी सरकार ने कश्मीर की ऐसेंबली और सेक्रेटेरियट की हिफाजत का क्या इंतजाम किया है। हुकूमत की नाअहली और होम मिनिस्ट्री की बेहोशी पर यह वाक्या भरपूर रोशनी डालता है जिसकी बराहिरात जिम्मेदारी बजारते दाखिला पर भी गनर्वर वनर राज होने के नाते आयद होती है। क्या होम मिनिस्टर साहब हमें इस बात का यकीन दिलायेंगे कि आइंदा कश्मीर की ऐसेंबली का वकार मजरूह न होने पाए?

दूसरा सवाल, मैडम, मैं यह करना चाहूंगा कि होम मिनिस्टर साहब ने अपने बयान में डोडा शहर कश्मीर में आतंकवादियों और पुलिस की दोतरफा फायरिंग के नतीजे में दो पुलिस के लोग और दो शहरियों के मारे जाने का जिक्र किया है। इसी बयान में यह कहा गया है कि पुलिस को खबर मिली की डोडा शहर के एक मकान में आतंकवादी छिपे हुए हैं। पुलिस और सी.आर.पी.एफ. ने भारी तादाद में पहुंचकर उस मकान को घेर लिया। उसी मकान में आतंकवादियों ने हैंड बम फेंका और दायें-बायें से फायरिंग भी होती रही। इस बयान की रोशनी में मैं मिनिस्टर साहब से यह जानना चाहूंगा कि जिस मकान को पुलिस ने घेरा था या जिस इलाके की घेराबन्दी की गई थी उसके बावजूद आतंकवादी आपके हाथ क्यों नहीं लगे? क्या उन आतंकवादियों को जमीन निगल गई या आसमान खा गया? आप कहते हैं कि दोतरफा फायरिंग में दो शहरियों की जान गई मगर जिस तरह की लापरवाही के तहत आतंकवादी तो आपके हाथ नहीं आ रहे हैं मगर मैं कहना चाहता हूं कि आपकी पुलिस अक्लजमुरिमों को पकड़ने में हमेशा नाकाम रहती है अलबत्ता आपकी पुलिस अपना हफतावारी लाश का कोटा पूरा करने के लिए इस तरह से बेगुनाह शहरियों का कत्ल जरूर करती है। मैं जानना चाहूंगा कि जिन दो शहरियों को मारे जाने की बात आपने अपने बयान में कही है, सरकार ने उनके वारिसीन को कोई मुआवजा दिया है या नहीं दिया हैं? मुआवजा देना चाहते हैं या नहीं और अगर मुआवजा देना चाहते हैं तो उसकी रकम क्या होगी?

اسی بیان میں یہ کہا گیا ہے کہ پولیس کو خبر ملی کہ ڈوڈا شہر کے ایک مکان میں آتنکوادی چھپے ہوئے ہیں۔ پولیس اور سی۔ آر۔ پی۔ ایف۔ نے بھاری تعداد میں پہنچ کر اس مکان کو گھیر لیا اسی مکان میں آتنکوادیوں نے ہینڈ بم پھینکا اور دائیں بائیں سے فائرنگ بھی ہوتی رہی۔ اس بیان کی روشنی میں میں منسٹر صاحب سے یہ جاننا چاہوں گا کہ جس مکان کو پولیس نے گھیرا تھا یا جس علاقے کی گھیرابندی کی گئی تھی۔ اس کے باوجود آتنکوادی آپ کے ہاتھ کیوں نہیں لگے۔ کیا ان آتنکوادیوں کو زمین نگل گئی یا آسمان کھا گیا۔ آپ کہتے ہیں کہ دو طرفہ فائرنگ میں دو شہریوں کی جان گئی مگر جس طرح کی لاپرواہی کے تحت آتنکوادی تو آپ کے ہاتھ نہیں آرہے ہیں۔ مگر میں کہنا چاہتا ہوں کہ آپ کی پولیس اصل مجرموں کو پکڑنے میں ہمیشہ ناکام رہتی ہے۔ البتہ آپ کی پولیس اپنا ہفتہ واری لاش کا کوٹا پورا کرنے کے لیے اس طرح سے بے گناہ شہریوں کو قتل ضرور کرتی ہے۔ میں جاننا چاہوں گا کہ جن دو شہریوں کو مارے جانے کی بات آپ نے اپنے بیان میں کہی ہے۔ سرکار نے ان کے وارثین کو کوئی معاوضہ دیا ہے۔ یا نہیں دیا ہے۔ معاوضہ دینا چاہتے ہیں۔ یا نہیں اور اگر معاوضہ دینا

مولانا عبید اللہ خاں اعظمی "اتر پردیش: ہماری مرکزی سرکار اس بات سے بخوبی واقف ہے کہ کشمیر میں ہر چار جانب ایک خونی منظر ہے جو پورے کشمیر میں انسانیت کی لاش کو اور آدمیت کے اصولوں کو پوری طرح بھسم کر رہا ہے۔ میں صرف دو باتیں جاننا چاہوں گا کہ ہوم منسٹر صاحب نے کہا ہے کہ سری نگر میں اسمبلی اور سیکریٹریٹ پر آتنکوادیوں نے راکٹوں سے حملہ کیا ہے۔ میں کہنا چاہوں گا اور پوچھنا چاہوں گا کہ حادثہ تو بہت خطرناک ہے ہی۔ جبکہ پورا کشمیر حادثات کا خونی منظر پیش کر رہا ہے۔ تو ایسی صورت میں ہماری سرکار نے کشمیر کی اسمبلی اور سیکریٹریٹ کی حفاظت کا کیا انتظام کیا ہے۔ حکومت کی نااہلی اور ہوم منسٹری کی بیہوشی پر یہ واقعہ بھرپور روشنی ڈالتا ہے۔ جس کی براہ راست ذمہ داری وزارت داخلہ پر بھی گورنر راج ہونے کے ناطے عائد ہوتی ہے۔ کیا ہوم منسٹر صاحب ہمیں اس بات کا یقین دلائیں گے کہ آئندہ کشمیر کی اسمبلی کا وقار مجروح نہ ہونے پائے۔

دوسرا سوال میڈم۔ میں یہ کرنا چاہوں گا کہ ہوم منسٹر صاحب نے اپنے بیان میں ڈوڈا شہر کشمیر میں آتنکوادیوں اور پولیس کی دو طرفہ فائرنگ کے نتیجہ میں دو پولیس کے لوگ اور دو شہریوں کے مارے جانے کا ذکر کیا ہے

چاہتے ہیں تو اس کی رقم کیا ہوگی۔

"ختم شد"

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Madam Vice-Chairman, thank you very much for giving me an opportunity to seek clarifications on the statement made by the Minister of State for Home regarding rocket attacks in Srinagar and the situation in Doda town. There are three important incidents which have been mentioned in the statement. One, a rocket was fired by the terrorists at Jammu and Kashmir Assembly building on 20th July, 1992. Second, the terrorists hurled a grenade at the raiding party in which one Sub-Inspector of Jammu and Kashmir Police and one Head Constable of CRPF were killed. Third, during the exchange of fire and use of hand-grenades, fire also broke out affecting six houses and 28 shops in the area. May I know from the Minister from where the terrorists got rockets and arms which they have used against us? I know that Pakistan is provoking all the terrorist activities not only in Jammu and Kashmir but in Punjab also. But the arms seized by our Forces like AK-47 rifles and other weapons are having Chinese markings. Obviously they were manufactured in China. The terrorists are using those weapons against the local population of Jammu and Kashmir. When a rocket was fired at Jammu and Kashmir Assembly building by the terroists, I was wodering who was ruling in that State, whether the Central Government is ruling the State or terrotists are ruling the State. They want to destroy the democratic system of the State. May I know from the Minister what kind of protection has been provided to the J&K Assembly building and the Government officials working there.? May I know from the hon. Home Minister how many terroristas are inside the Jammu and Kashmir State? May I know from the Minister how many terrorist camps are being run in Pakistan-occupied Kashmir? It is crystal-clear that Pakistan is running terrorist camps in Pakistan-occupied Kashmir as well as in their territory. They are imparting training to the terrorists. May I know from the Home Minister how many terrorists are getting training there? Just now my hon. friend has said that 10,000 terrorists have crossed into India. Madam, Pakistan's design is very clear and they want to destabilise our country. (*Time bell rings*) I will finish in two or three minutes.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please finish in one minute.

SHRI VITHALRAO MADHAVRAO JADHAV: Madam, these incidents are taking place since a very long time. This incident is not a new incident. They are taking place every month and every week. May I know from the Minister what steps is he taking to prevent such incidents in future? We have gained sufficient knowledge from these attacks. The Government of India must make adequate arrangements for the eople of Jammu and Kashmir so that they are protected from the attacks cross the border.

As the Home Minister and my hon. friend, Mr. Ahluwalia have stated the situation in the State is improving and the Government is thinking of holding elections there in the near future. May I know from the Minister whether any amicable settlement has been reached with various political leaders there.

My friend has also said that Mr. George Bush wants to mediate and solve the Jammu and Kashmir problem. They raised this issue for more than 40 years and now they want to mediate in the talks. I do not know what type of mediatory role they want to play. Since elections are going to take place in the USA, Mr. George Bush wants to please the electorate that is why he is striving for world peace and something like that. May I know from the Home Minister whether any effort has been made by Mr. George Bush and the US Government to mediate in the talks? May I know

the talks? May I know from the Minister whether any other country also has come forward to mediate in this problem? What is the fate of the Simla Agreement? There was the Simla Agreement. All of us know. Mrs. Gandhi made that agreement with Mr. Butto. We always have talked that this problem should be solved on the basis of the Simla Agreement. What is the fate of that agreement?

Then, what is the magnitude of the loss? How many houses and shops have been damaged? What is the compensation given? And, what is the compensation given to the wounded and what is the compensation given to the next of kin of those who have been killed? Thank you, Madam.

SHRI JAGMOHAN (Nominated): Madam, I would first like to indicate how these rockets are used in places where terrorism is going on in Kashmir or other places. There are two ways of doing it. There are some rockets which can be fired by keeping them on shoulders. There is another type of rockets which can be fired from the rocket launcher. Most of the rockets which are used are operative within a two-kilometre radius. To be accurate, they could be fired from that place, particularly from the shoulder. If a rocket can be fired at the Assembly, followed by another within half an hour, that clearly shows that even a radius of two kilometres, there is no control at all and the intelligence agencies are not functioning at all. Otherwise, after the first rocket was fired, it should have been possible to identify the direction from which the rocket was coming.

The second question which I would like to ask is, is it a fact that the unmber of the security forces has increased tremendously compared to what it was earlier? Is it not a fact that the expenditure has also increased three times? Is it a fact that casualty is also three times and the effectiveness has come to such a pass when even the intelligence output to th Central Government has been upgraded there than it was earlier? In spite of all these, why is that such rocket attacks cannot even be controlled or checked? Is it not a fact that whenever any claim is made about the improvement in the situation, you have an immediate reaction and they demonstrate that this claim is not correct? The hon. Home Minister went there and there was a three-day total 'hartal' in the Valley. Two days afterwards, one DSP was killed in Baramulla. A day after that, another DSP, who was returning from the funeral of the first, was also killed. (*Time bell rings*). Madam, I won't take much time. After the bell, I always wind up. But because of the seriousness of the problem of Kashmir, I will complete this point and finish. I may not be able to make the propositions which I want to make. Anyhow, I will complete this point at least and finish. The second DSP who went to the funeral of the first was also killed in spite of all the police around. And then, a Deputy Commandant of the BSF was killed. He was having seven vehicles around him and was travelling in a bulletproof car. And, if we still go no saying that there is a perceptible improvement in the situation, there is a qualitative improvement in the situation, then I leave it to the nation and to this House to see whether it is a wishful thinking or a fact.

[Shri Vithalrao Madhavrao Jadhav]

Is it also not a fact that whenever we talk of the Assembly dissolution, revival of political process, violence escalates because that is the way some people get irritated? The point is that you keep it controlled at the ground level and thereafter, the talk of the political process should be in the air. Otherwise, it will be a counter-productive process. It was done earlier and no lesson was learnt and it only resulted in the death of Mir Mustafa an independent MLA, and Maulvi Farooq. The other thing is the truth was never faced in Kashmir even when the two incidents occurred. I have always been requesting the Government to put the inquiry report on the death of Mirwaiz, on the Table of the House. It has never been done. Unless we realise where the rouble is, unless we recognise the disease as it is, we cannot find a solution. This is what is happening in Kashmir. We are not recognising the malady it exists on ground and, therefore, we will always be stumbling from one crisis to another and when there is a temporary reduction in the crime due to *rozas* and due to winter, we think this is an improvement in the situation. I think this is a very wrong approach and what has happened in Doda makes it quite clear that much greater efforts need to be put in than are being put in at present. Thank you.

श्री राम नरेश यादव : (उत्तर प्रदेश): महोदया, यह वक्तव्य जो आया है इसको देखने से ऐसा लगता है कि वहां जो वस्तुस्थिति है उसको छिपाने की कोशिश की गई है । इससे मन में संदेह भी पैदा होता है कि क्या सचमुच में जिस स्थिति की बेहतरी के बारे में माननीय मंत्री जी ने अपने वक्तव्य में संकेत दिया है, क्या वास्तव में स्थिति बेहतर हुई है । अगर हुई है तो मैं यह जानना चाहता हूं कि क्या पहले के मुकाबले हथियार कम मिले हैं, क्या हत्यायें कम हुई हैं ? किस अर्थ में स्थिति में सुधर हुआ है, यह मैं माननीय मंत्री जी से जानना चाहता हूं ? हमें, जिस तरह से वहां पर हत्याएं और अपहरण की घटनायें पिछले दिनों हुई, उससे शंका पैदा हो रही है, क्या उसमें कोई कमी हुई है ? बढ़ोत्तरी किस संदर्भ में हुई है यह मैं माननीय मंत्री जी से जानना चाहता हूं ?

दूसरा पैरा 2 में बात आई है कि आतंकवादी गिरोहों को यह सुनिश्चित करने के लिये कथित तौर पर निर्देश दिये गये हैं । तो क्या कथिततौर पर निर्देश इस बात के दिये गये हैं कि जो नेता लोग हैं उन लोगों की हत्या की जाय ? तो किस तरह की वह शक्ति है ? क्या पाकिस्तान की तरफ से है या उनकी खुफिया एजेंसी के लोगों की तरफ से इस तरह के निर्देश दिये गये कि जाकर इस तरह की बात करिये ?

फिर दूसरी बात यह है कि श्रीनगर कश्मीर जो इस तरह की आतंकवादी गतिविधियों का शिकार रहा है, जहां बड़े से बड़े राजनैतिज्ञों से लेकर दूसरे अधिकारियों तक की हत्याएं हुई हैं, अपहरण हुए हैं तो वहां पर जो सचिवालय है, सेक्रेटिरिएट है, असेम्बली है, जहां बैठक हुआ करती हैं, उस बिल्डिंग की रक्षा करने के लिये इससे पहले क्या व्यवस्था की थी और कार्यवाही की थी ? अगर की थी तो फिर इस तरह की घटना कैसे घटी, इसके बारे में भी मैं जानना चाहता हूं ।

साथ साथ एक बात जो मन को बहुत कुरेद रही है वह यह है कि पैरा 4 से ऐसा लगता है कि वहां पर हमारी जो मशीनरी है वह बिल्कुल फेल हो गयी है । क्योंकि सूचना मिलती है कि घर में छुपे हुए हैं, वहां वह जाते है, सिपाही भी जाते है, फौज के लोग भी जाते है, सारे लोग जाते हैं । केंद्रीय रिजर्व पुलिस बल के उप-अधीक्षक के नेतृत्व में ये सारे लोग वहां जाते है और

जाने के बाद छापा मारने वाले दल पर वे हथगोला मारते हैं और उसमें अपने लोग मारे जाते हैं । यह बहुत ही दुख और चिंता की बात है कि इतनी सारी शक्ति रहने के बावजूद वहां पर एक भी आतंकवादी उस वक्त नहीं मारा गया, न ही घायल हुआ और न ही पकड़ा गया । वे वहां से किस तरह से भाग गये, उनका पीछा किया गया या नहीं, इस पर इसमें कोई चर्चा ही नहीं है । इसका मतलब यह हुआ कि लगता है या तो हमारी पुलिस फोर्स वहां पर कम है या हमारी जो सुरक्षात्मक व्यवस्था है वह बहुत कमजोर है । अगर कमजोर न होती तो कोई कारण नहीं कि जब निश्चित रूप से सूचना मिली और वहां तैयार होकर गये तो फायरिंग में कोई न कोई आतंकवादी मरता । मगर वहां पर अपने सिपाही मारे गये, प्रशासन के लोग मारे गये और कोई भी आतंकवादी कहीं पर नहीं मारा गया, उनको चोट नहीं लगी और पता नहीं लगा कि वे किस तरफ जा रहे हैं । इसलिये इस स्थिति में माननीय मंत्री जी से मेरा आग्रह है कि सुरक्षा व्यवस्था की ढिलाई की वजह से वहां पर इस तरह की घटनायें हो रही हैं, इसलिये मैं जानना चाहता हूं कि इस व्यवस्था को चुस्त करने के लिये आपकी तरफ से क्या-क्या कार्यवाही हुई है ?

आखिरी सवाल मैं यह पूछना चाहता हूं कि अभी वहां पर जो पाकिस्तानी खुफिया एजेंसी है उसके सारे लोग वहां काम कर रहे हैं । मैं जानना चाहता हूं कि जब इस खुफिया एजेंसी के जरिये इस तरह की हरकतें हो रही है तो उन एजेंसियों में काम करने वाले कितने लोगों को पकड़ा गया है ? और पकड़ने के बाद उन लोगों के पास से किस-किस तरह की चीजें बरामद हुई हैं या नहीं हुई है, यह मैं जानना चाहता हूं । साथ ही साथ, एक आखिरी सवाल करना चाहता हूं । आज के "जागरण" में एक बहुत ही सनसनीखेज समाचार छपा है "तराई में आतंकवादियों में जंगजू भी" । कहने का मतलब यह है कि हमारे उत्तर प्रदेश के तराई क्षेत्र में पाकिस्तान की खुफिया एजेंसी जंगजू और खाड़कू लोगों को हथियार देकर भेज रही है । अब पंजाब और जम्मू-कश्मीर से हट कर हमारे उत्तर प्रदेश में भी अस्थिरता का वातावरण पैदा करना चाहती है । वहां पर साम्प्रदायिकता को उभाड़ कर और दूसरे जरिये से पाकिस्तान जिस प्रकार से इस तरह की स्थिति पैदा कर रहा है, उसको रोकने के लिए सरकार की तरफ से क्या कदम उठाए गए है ? यही मैं जानना चाहता हूं ।

श्री मोहम्मद खलीलुर रहमान (आन्ध्र प्रदेश) : मैडम वाइसचेयरमैन, कश्मीर के ताल्लुक से मुताज़ात बयानात इस हाऊस में दिये जाते हैं । अभी चंद दिन पहले होम मिनिस्टर साहब ने एक बयान दिया था । उस बयान से यहां पर मतलब निकल रहा था कि वहां के हालात सुधर रहे हैं और हकूमत वहां पर इलैक्शन के ताल्लुक से भी सोच रही है । अभी परसों होम मिनिस्टर साहब ने जो बयान दिया, उस बयान से यह पता चला कि कश्मीर की जो लेजिसलेचर बिल्डिंग है और सेक्रेटेरियेट की बिल्डिंग है, इन पर रॉकेटों से हमले किये गये । जम्मू सेक्टर में जो डोडा टाऊन है, उस डोडा टाऊन में टेररिस्टों और पुलिस की आपसी फायरिंग की वजह से दो पुलिस के लोग मर गये, दो सिविलियन मर गये, कुछ हाऊसेज और शाप्स को नुकसान पहुंचा । यह बिलकुल मुताज़ात किस्म के बयानात हैं । मैं आनरेबल होम मिनिस्टर साहब से यह पूछना चाहता हूं कि वहां के वाकयात और सही सूरतेहाल हाऊस के सामने ले कर आएं ताकि हम को भी अन्दाज लग सके और उसकी रोशनी में हम कुछ सजेशन दे सकें । सुनने में यह आता है कि कश्मीर में दिन में इण्डिया की हकूमत है और ज्यों ही सूरज गरूब हो जाता है तो रात को टेररिस्टों की हकूमत हो जाती है । क्या यह सच है ? मैं आनरेबल होम मिनिस्टर साहब से यह भी पूछना चाहूंगा कि कश्मीर की वैली में जितने भी गांव हैं क्या एक गांव में भी पुलिस और फौज का बन्दोबस्त किया गया है ?

[श्री मोहम्मद खलीलुर्रहमान]

यह मैं पूछना चाहूंगा । इस वक्त डोडा टाऊन की आबादी क्या है और डोडा में कितने पुलिस अफसर मुताइयन किये गये थे, यह भी होम मिनिस्टर साहब से मैं पूछना चाहूंगा । शुक्रिया ।

ہم کچھ سجیشنس دے سکیں۔ سننے میں یہ آتا ہے کہ کشمیر میں دن میں انڈیا کی حکومت ہے اور جیوں ہی سورج غروب ہوتا ہے تو رات کو ٹیررسٹوں کی حکومت ہوجاتی ہے۔ کیا یہ سچ ہے۔ میں آنریبل ہوم منسٹر صاحب سے یہ بھی پوچھنا چاہوں گا کہ کشمیر کی وادی میں جتنے بھی گاؤں ہیں کیا ایک گاؤں میں بھی پولیس اور فوج کا بندوبست کیا گیا ہے۔ یہ میں پوچھنا چاہوں گا۔ اس وقت ڈوڈا ٹاؤن کی آبادی کیا ہے۔ اور ڈوڈا ٹاؤن میں کتنے پولیس افسر متعین کئے گئے تھے۔ یہ بھی ہوم منسٹر صاحب سے میں پوچھنا چاہوں گا۔ شکریہ

ختم شد

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Do you want to say something, Mr. Fernandes?

SHRI JOHN F. FERNANDES (Goa): Madam, I would like to know one or two important things. We can understand the anxiety of the terrorists in Jammu and Kashmir because they press the panic button because terrorism is coming to an end with the active cooperation of the people with the law-enforcing agencies. Madam, I want to ask some important things. I would like to know whether the Government is already getting the cooperation of the people of Jammu and Kashmir, whether they are giving any incentives to the informers whenever any arms are seized and whether any reward has also been paid to the informers whenever any terrorists are located in the Valley.

ڈاکٹر محمد خلیل الرحمٰن "آزاد حیدرآباد۔ دکن":

میڈم وائس چیرمین۔ کشمیر کے تعلق سے متضاد بیانات اس ہاؤس میں دیے جاتے ہیں۔ ابھی چند دن پہلے ہوم منسٹر صاحب نے ایک بیان دیا تھا۔ اس بیان سے یہاں پر مطلب نکل رہا تھا کہ وہاں کے حالات سدھر رہے ہیں۔ اور حکومت وہاں پر الیکشن کے تعلق سے بھی سوچ رہی ہے۔ ابھی پرسوں ہوم منسٹر صاحب نے جو بیان دیا۔ اس بیان سے یہ پتہ چلتا کہ کشمیر کی جو بلیجیرنٹ بلڈنگ ہے۔ اور سیکریٹریٹ کی بلڈنگ ہے۔ ان پر اکثروں سے نکلے گئے۔ جموں سیکٹر میں جو ڈوڈا ٹاؤن ہے۔ اس ڈوڈا ٹاؤن میں ٹیررسٹوں اور پولیس کی آپس فائرنگ کی وجہ سے دو پولیس کے لوگ مر گئے۔ دو سویلین مر گئے۔ کچھ ہاؤسیز اور شاپس کو نقصان پہنچا۔ یہ بالکل متضاد قسم کے بیانات ہیں۔ میں آنریبل ہوم منسٹر صاحب سے یہ پوچھنا چاہتا ہوں کہ وہاں کے واقعات اور صحیح صورتحال ہاؤس کے سامنے لیکر آئیں تاکہ ہم کو بھی اندازہ لگا سکیں اور اسکی روشنی میں

Madam, there are reports that the Government of India has trained an Anti-Terrorist Squad. It was trained abroad, in Israel by Mussad. Therefore, the second important thing I would like to know its whether ths Anti-Terrorist Squad has been put to use because what happened there is very bad; it happened during broad daylight, at 1.30 P.M. I would like to know whether this Squad has been put to use in Jammu and Kashmir.

डा० अबरार अहमद (राजस्थान) : उपसभाध्यक्ष महोदया, मैं आपके माध्यम से माननीय मंत्री जी से एक ही बात जानना चाहता हूं। कश्मीर में इतने खतरनाक हथियार हमारी हर तरफ से चौकसी के बावजूद बराबर पहुंच रहे हैं। क्या माननीय मंत्री जी को यह जानकारी है कि यह खतरनाक हथियार पाकिस्तान से लगी हुई सीमा से आ रहे हैं?

मेरी जहां तक जानकारी है और आये दिन वहां समाचार पत्रों में पढ़ने को मिलता है कि जो राजस्थान में बाड़मेर और जैसलमेर का क्षेत्र है जो पाकिस्तान से लगी हुई सीमा है बराबर वहां से बड़े खतरनाक हथियारों की तस्करी हो रही है और काफी बड़ी तादाद में ये हथियार वहां से होकर हिंदुस्तान के आतंकवादी क्षेत्रों में चाहे वह पंजाब हो या काश्मीर हो, पहुंचाये जा रहे हैं। तो माननीय मंत्री जी उस क्षेत्र से जो हथियारों की तस्करी हो रही है और इतने खतरनाक हथियार जो उस क्षेत्र से आ रहे हैं उनको रोकने के लिए क्या कर रहे हैं जिससे काश्मीर में ये आतंकवादी गतिविधियां और हथियारों का आवागमन रुके। यही मैं जानना चाहता हूं।

THE MINISTER OF STATE IN THE MINISTRY OF PARLIMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Madam, I fully understand the seriousness of the situation arising out of the statement because the statement is based on the actual facts collected from Jammu and Kashmir. One major question asked by most of our friends is, "You say in your statement that the situation is reportedly showing signs of improvement. If that is so, why are these things happening?" Madam, when we say that there is improvement in the situation in Jammu and Kashmir, we depend on certain factors, like (1) the positive response from the people of Kashmir in general, from all parts including the Valley; (2) the number of militants who are surrendering before the administration; and (3) the presence of police|security personnel in the vulnerable areas in the Valley which were not accessible to police till recently. The major reasons are these and the willingness on the part of the people in the State to cooperate with the administration to give information on various points, on various developments happening in the State. Actually in the year 1991—we have the report—612 militants became inactive and came closer to the Government and surrendered. Even this year over 300 persons have surrendered. But it is a fact that when we started to announce that we believe in democracy and we are going ahead with normalisation through political process and we will very soon conduct elections to the Assembly, to the Parliament as well as

[Shri M. M. Jacob]

to the local bodies—immediately after the election results in Punjab and formation of a democratically elected Government in Punjab—Pakistan stepped up their efforts to show to the world that there is no peace in Kashmir, there is no solution for the Kashmir problem and India cannot conduct an election in Kashmir. We very well see that. Even last night I casually happened to watch a foreign television broadcast in which—date-lined Pakistan; it was at 2 A.M.—three people, three Pakistanis, were discussing on Kashmir issues and all of them asserted in their deliberations, which was meant for other countries, not really for India, repeatedly that "we are present all over Jammu and Kashmir". They mentioned about Doda, what happened there 6.00 P.M. the day before yesterday. They also mentioned "India is propagating that there is peace in Kashmir which is not true. There is no peace". It is an organised attempt by Pakistan and Pakistani agents to show to the world that, "there is no peace in Kashmir, Kashmir is totally in the hands of militants; so the Indian Government cannot make its writ run in Kashmir". It is really a proxy war as we used to say. In this scenario, we have seen that...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Minister, one minute. Will you complete within a few minutes because at six o'clock we have some other business?

SHRI M. M. JACOB: I will conclude very soon.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): I would like to take the sense of the House.

डा० अबरार अहमद : मैडम, रोजाना सैंस आफ द हाऊस कल भी 6.00 बजे की गई थी और इसको आज के लिए ट्रांसफर किया था ।

श्री एम० एम० जैकब : कल के लिए डिफैंट प्रोग्राम भी हैं, स्टेटमेंन्ट भी है ।

डा० अबरार अहमद : मैडम, मैं यह नहीं कह रहा हूं कि इसको कल ट्रांसफर किया जाए, मैं तो कह रहा हूं कि इसको आज ही डिस्कस किया जाए । लेकिन 6.00 बजे का टाईम है और कल भी 7.00 बजे गए थे और यह नहीं हुआ था । इसलिए इट शुड बी टेकन अप फर्स्ट ।

श्री रफीक आलम (बिहार) : इसको खत्म करिए ।

SHRI M. M. JACOB: Madam, give me 10 minutes. I have mentioned in the statement that militants are trying to eliminate those political leaders who are helping in the process of normalisation of the situation. Recently as an immediate fall-out of what is happening, the assassination of Mohammad Ismail Rather *alias Nissar*, the President of the DCCI Baramula, on 7 July, is to be seen.

Shastriji asked me about the compensation paid. It is Rs. 1.25 lakhs for the Police and CRPF personnel and Rs. 1 lakh for civilians. I was also asked whether in Doda 1000 trained militants are there. Our intelligence information is that there are over 200 trained militants in various parts of the

district. I must congratulate the police and the paramilitary forces because they found some militants hiding in a particular house. That is why the whole operation started. When the police suddenly went there to surround that house, firing took place from the neighbouring house. So, two people died in cross-firing. Our people died, police personnel died due to firing from that side. These are all facts. It shows that police was present there. Police was going there to find out the militants' hiding place. That itself is a compliment to our paramilitary forces who are working under very difficult circumstances.

Malaviyaji and Yadavji asked me which are the organisations working there. We have found two organisations working there, One is Hizbul Mujahideen and the other is Al-Jihad. Malaviyaji also asked whether 44 militant organisations are working in Kashmir. In Jammu and Kashmir more than 119 groups of militant organisations are functioning. Some of these organisations are pro-Pakistani and some are not pro-Pakistani. There are some small groups isolated in different names. These are all facts which cannot be forgotten. But at the same time most of the organisations, major organisations are pro-Pakistani; some organisations are trying to be independent and some organisations are irresponsible and always going around doing some mischief.

Then Mr. Giri Prasad has very rightly asked since Pakistan is doing disinformation service and campaign abroad, what we are doing in the United States and other countries. Naturally diplomatic level efforts are going on. The Government of India has already taken steps to step up the diplomatic efforts and dialogue with various countries. He also mentioned about Mr. Bush mediating. It has been our consistent stand that this is a matter which concerns India and Pakistan and it has to be solved by us. We do not want a third party entering into it. That is the spirit of the Shimla Agreement and we will not agree to any other country coming into the picture. Mr. Ahluwalia asked about the rocket firing and why it could not be located with the help of other sophisticated methods. It is a very pertinent question. At the same time, as Mr. Jagmohan from his experience in Kashmir mentioned, a rocket could be fired anywhere within a radius of 2 kilometres. It need not come earlier. I could even come on the day they are planning to fire and it is not so easy to detect it. But there are instances where such things have been unearthed and located and prompt action taken. Mr. Ram Naresh Yadav asked about how many houses and shops were lost. Six houses and 28 shops were affected...

[THE VICE-CHAIRMAN (Shri H. Hanumanthappa) in the Chair]

SHRI S. S. AHLUWALIA: What about the Sikh migration from rural Kashmir?

SHRI M. M. JACOB: I do not have any such report of Sikh migration at the moment. But people have migrated from some parts and we are looking after them in the Jammu camps and the Delhi camps including the Kashmir pundits. Another question was asked: "Did you find any subversive elements"? Yes, combing operaiton conducted by the security personnel 21 people were caught from the area. Twenty-one people were apprehended and caught. The rockets were fired from congested areas in Srinagar city. There was another question asked about the intelligence reports. We are getting intelligence reports and based on these reports these combing operations and detecting of the hiding places are done. Actually all this came about as a result of one international broadcast from another country that Doda town was under militants' occupation. The broadcast came from the BBC. But the next day itself the BBC denied it. On the 18th they said that Doda was under control of militants but on the 19th BBC said. No It was already denied by the police chief from that area. The situation happened like that. There was firing and some militant captured

[Shri M. M. Jacob]

some area". So, that was also said but it was also denied by the Jammu police chief. This was also reported by the BBC. Again, a question was asked about the ISI activities in the area. Mr. Khaleelur Rahman and Mr. Fernandes asked about it. Everyone knows that ISI of Pakistan is actively engaged in spreading militant activities not only in Kashmir area but also in other pockets in India. And India is aware of it and we are taking strong measures to put down their activities at the earliest. Mr. Abrar Ahmed asked whethar all the equipment, the arms and ammunitions and the militants come from across the Kashmir borders. No, they also come from Rajasthan. border. We have information of militants coming from Gujarat border. They are being caught and put into prisons. Pakistan militants, coming from various sources. They come through Gujarat, through Rajasthan and through Jammu and Kashmir borders. This is a fact.

डा० बलदेव प्रसाद : जिन मकानों से गोलियां चलीं, घटना के बाद क्या पुलिस ने छापे मार कर उनकी सर्च की ?

SHRI M. M. JACOB: This is clearly given in the report.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We have to take up the next business.

SHRI M. M. JACOB: There are more than 119 terrorist organisations training Camps are located in the Pakistan-occupied Kashmir including the borders of Afghanistan. We have taken up this matter with the other countries through diplomatic channels to see that these terrorist camps are demolished. At that time when Mrs. Bhutto was in power we thought these camps would be demolised. That was the understanding we had. But later on we found that they were still existing and that they were encouraging the terrorist elements which were going to that State. And people are going to that country, they are getting training and they are coming back. We are also trying to block them and seize their weapons as fas as possible, whenever it is possible. At the moment, what we want is the will of the nation to see that this is fought back with its will-power and the nation must stand united to see Pakistan does not escalate this proxy war and take advantage out of it. And I thank you very much for cooperation with me.

HALF-AN-HOUR DISCUSSION ON POINTS ARISING OUT OF THE ANSWER GIVEN IN RAJYA SABHA ON 22ND JULY, 1992 TO STARRED QUESTION NO. 202 REGARDING COMMERCIAL EXPLOITATION AND ENCROACHMENT OF RAILWAYS LAND

SHRI SURESH KALMADI (Maharashtra): Sir, It is very unfortunate that the hon. Railway Minister, Shri Jaffer Sharief, does not find time to come to the House. He was not there when the main question was asked; we heard that he was indisposed. Yesterday, the half-an-hour discussion was to be taken up and he was not there and today again, a very important matter we are discussing and he is not here.... (*Interruptions*).

SHRI S. S. AHLUWALIA (Bihar): The State Minister is here.

SHRI SURESH KALMADI: We know that the State Minister is here.

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAY (SHRI MALLIKARJUN): Mr. Vice-Chairman. Sir, it is very unfortunate. I actually protest... (*Interruptions*)

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Mr. Kalmadi should be allowed to have his say... (*Interruptions*).

SHRI S. S. AHLUWALIA: Now the Minister has come.

SHRI SURESH KALMADI: Let him come. That is all right. But you don't

have to interfer. This is my right as a Member to ask, Mr. Ahluwalia. You don't have to keep interfering like this... (*Interruptions*).

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There are two Houses which are simultaneously sitting. The Ministry is represented.... (*Interruptions*).

SHRI SURESH KALMADI: It is a very important matter. I am happy that the Cabinet Minister is here.....(*Interruptions*). I am happy that he has come for the discussion.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We should also know that there are two Houses... (*Interruptions*).

SHRI MALLIKARJUN: Mr. Vice-Chairman, Sir, I want it to go on record. It is wrong for any hon. Member to ask whether the Cabinet Minister is here or not. What for have we been made Ministers? Are we so incompetent? Is the Member alone competent? It is very wrong on the part of any hon. Member to speak like this in this august House... (*Interruptions*).

SHRI SATYA PRAKASH MALAVIYA: There was nothing wrong.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please, let us not continue with this....(*Interruptions*).

SHRI SATYA PRAKASH MALAVIYA: Mr. Suresh Kalmadi has rightly pointed out that he was not present yesterday. It is good that he has come now....(*Interruptions*).

SHRI MALLIKARJUN: Sir, today in the Lok Sabha, the Supplementary Demand for Railways was taken up. So, naturally, we had to divide the work.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): If the Ministry is represented, that is enough.

SHRI MALLIKARJUN: It is totally unfair and I will not tolerate such a thing...(*Interruptions*).

SHRI SURESH KALMADI: No need for the Minister to say that he cannot tolerate....(*Interruptions*).

SHRI SATYA PRAKASH MALAVIYA: He cannot say that he cannot tolerate....

THE VICE-CHAIRMAN (SHRI M. HANUMANTHAPPA): Mr. Malaviya, I am sorry. You can't stand up and...(*Interruptions*).

SHRI SATYA PRAKASH MALAVIYA: Kindly look into the record. He has used the words, "I will not tolerate" ....(*Interruptions*). You are presiding and he is not presiding.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I will look into it. Please sit down...(*Interruptions*).

SHRI MALLIKARJUN: Yes, certainly, I will not tolerate when I am self-confident to reply to the questions of the hon. Members in this august House. Why should I? What are you thinking of yourselves? Why have I been made a State Minister? Only to assist the Minister.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please don't get agitated....(*Interruptions*).

SHRI SURESH KALMADI: I suggest that the Minister controls himself .... (*Interruptions*).

SHRI MALLIKARJUN: You also control yourself.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please, don't get agitated...(*Interruptions*).

SHRI MALLIKARJUN: This is very unfair. I also have a right. I am also a Member of Parliament....(*Interruptions*).

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Don't get agitated....(*Interruptions*).

SHRI SATYA PRAKASH MALAVIYA: But he cannot say that he cannot tolerate.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Malaviya, you have already said... (*Interruptions*).

SHRI SATYA PRAKASH MALAVIYA: Sir, you are presiding and the Minister is not presiding.

SHRI MALLIKARJUN: If a senior Member speaks like this, then I will tolerably tolerate. Okay!

SHRI SURESH KALMADI: Sir, it is very unfortunate that the Minister of State has made such remarks.... (*Interruptions*).

SHRI MALLIKARJUN: Sir, I want to put on record....

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA: Don't get agitated... (*Interruptions*).

SHRI SURESH KALMADI: Please, let this not be a running battle. ..... (*Interruptions*). Will you please sit down? Let me start.

SHRI MALLIKARJUN: You ask your questions and I will definitely answer them.... (*Interruptions*).

SHRI SURESH KALMADI: You sit down and only then can I ask.... (*Interruptions*). Sir, let him finish such what he wants to say.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Kalmadi, I have called you.

SHRI SURESH KALMADI: I would like to point out.... (*Interruptions*).

SHRI MALLIKARJUN: I should have my dignity and honour. I cannot compromise.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please, don't get agitated. Pleased sit down.

SHRI SURESH KALMADI: Sir, first of all, let me clarify that I have meant no disrespect to the Minister of State...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Don't go to flasbhack...

SHRI SURESH KALMADI: We are quite satisfied. It is not that. But this is an important issue and we felt that the senior Minister should also be there. We are happy that both the Ministers are here. This is an important issue and we want the senior Minister also... (*interruptions*)... It is not meant to degrade the Minister of State... (*interruptions*)...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): It is enough, Mr. Kalmadi.

SHRI MALLIKARJUN: Mr. Vice-Chairman, Sir, there was a Supplementary Demand for Railways going on in the Lok Sabha. After all... (*interruptions*).. The moment it was over there, he has come over here.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I said already that both the Houses are sitting. The Ministers are expected to be present in both the Houses. There is nothing wrong. The Ministry is represented. We need not take objection to that... (*Interruptions*)...It is all right. Why are you discussing? When I concluded, why did you again start?... (*interruptions*)... Mr. Kalmadi...

SHRI SURESH KALMADI: Sir, due to the dwindling budgetary support to the Railways, the Railways have decided to exploit commercially the unutilised land and air space. I think it is an excellent idea because the money raised on account of this would go, we hope, to projects like conversion of narrow gauge to broad gauge and for new railway lines. They have decided to construct commercial complexes in big cities like Bombay, Delhi, Calcutta, Ahmedabad etc. and we believe from the newspaper reports that a three-member Land Committee has identified sixty-one locations in major cities. In Bombay, we believe that Vashi has been identified as well as Bandra and I want to know as to what is the procedure followed for leasing out the land and what is the *modus operandi*.

Sir, a very important question which arises out of the commercialisation is the land which is occupied by *jhuggi jhompris*. It is stated that there is sixty thou-

seven hectares of surplus land which is available for commercia exploitation and out of this sixty-thousand hectares, senventeen hundred hectares have *jhuggi jhompris or jhopad pattis* which works out to only two per cent of hte total surplus land for commercial exploitation. So, it is not a major proportion. It is a small proportion and it should be viewed so. We have to differentiate between *jhuggi jhompris* which are on the railway track, which are hazardous for the Railway functioning, which may be removed and *jhopad pattis* which are away from the railway track. *Jhopad pattis* which may be coming in the way of the sixty-one locations which have been identified by the Land Management Committee have to be viewed very sympathetically. Because of commercial exploitation, a lot of people are going to come forward. Many notices have been given to the *jhopad pattis* of late, even in the monsoon, for removing them. I know in my city, Poona, many fresh notices were issued. I would like to say that these *jhuggi jhompris* constitute only two per cent of your surplus land. The people there are mainly porters, railway labourers and people who are working for the cause of the Railways. It must be understood that they are not people who are working elsewhere and living there. They are mainly people who have something to do with the railway station. They are mainly people who are on duty somewhere and who have no accommodation which you should have normally provided. My humble request to the Minister is that the Government should consider such cases sympathetically. If you are planning to commercially exploit that land, out of that amount you should make low-cost houses available to these people because right now, under the rules, the rehabilitation of these people lies with the State Government and it is very unfair. You are going to get money and you are going to earn about Rs. 2,500 crores and if the rehabilitation is, the responsibility of the State Government, then God help them. Nobody is going to bother about it. So, out of this revenue itself you should do it or a part of the area should be reserved for constructing low-cost houses so that the people of the jhuggi-jhonpris are not removed. They have been staying there for ten years or twenty years or thirty years and the Railways also should see to it that no more jhuggi-jhonpris come up again there. Whatever is there is there. You must prevent further jhuggi-jhonpris from coming up. You can rehabilitate these people since you have a scheme for commercial exploitation.

I would like ot know what the thinking of the Minister on this is. I would like to know whether he is ready to consider this or whether he is going to pass on this matter to the State Governments.

The former policy was different before the new thinking of commercially exploiting the railway land. You should have one policy for all the areas. You should not have the new policy only in some areas and not in others. This is the problem which I have in my mind and this is there in Pune. It must be there in other cities also. I would like to know how many proposals are there for commercial exploitation in Pune city alone and how much land has been earmarked.

In this conection, I would like to make a request that the local Member of Parliament must be involved in this. We have been staying there for years. Never do we know about the plans for the removal of the jhuggi-jhonpris. We have not been taken into confidence by the authorities. We come to know about these plans only when the jhuggi people come to us and say that they have received notices and they are going to remove their jhuggi-jhonpris. The Railway authorities should talk to the local Member of Parliament and try to find a solution to this problem because this problem is there for the last ten or twenty or thirty years and now, with this scheme for commercial exploitation of the railway land, new problems are coming up. So, we hope that the honourable Minister will appreciate this.

श्री सत्य प्रकाश मालवीय : माननीय उपसभाध्यक्ष जी, एक तो मंत्री जी ने अपने उत्तर में स्वीकार किया था कि 1700 हैक्टयर लैंड जो है उस पर अनधिकृत कब्जा है और दूसरा उन्होंने यह भी स्वीकार किया कि 14160

[श्री सत्य प्रकाश मालवीय]

ऐसे केसेज हैं जिनमें कि इनक्रोचमेंट हटाने के लिये आदेश हो चुके हैं लेकिन स्टेट आफिसर्स उसको खाली कराने में अभी तक असमर्थ हैं । तो मैं जानना चाहता हूं कि यह जो एक्ट है—पब्लिक प्रैमिसैज (इवक्युशन आफ अनआथाराइज्ड आकुपट्स) एक्ट 1971.. (व्यवधान)

THE MINISTER OF RAILWAYS (SHRI C. K. JAFFAR SHARIEF): Will you kindly repeat that?

SHRI SATYA PRAKASH MALAVIYA: Sir, the Minister has said in one of his replies that there are 14,169 cases, to be more accurate, in which orders for eviction have been passed, but the State officers are not able to get the unauthorised occupants evicted. I would like to know whether the Railway Ministry or the Government is satisfied that the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 is effective and, if his conclusion is that it is ineffective, whether he is contemplating bringing forward anothe legislation within the purview of the Railway Ministry itself. I am asking this because this Act concerns all the Government Departments.

Secondly, the Minister has also stated that there are 1,700 hectares which are under encroachment. What steps are you going to take to get these encroachments removed?

Thirdly, there was a question by Shri Subramanian Swamy yesterday, Unstarred Question No. 2225, in this very House. The question was whether it is a fact that many unauthorised structures and the structures given on rent or lease on Railway land outside and around suburban railway stations in Bombay cause hindrance to the free movement of commuter traffic and, if so, the details thereof. The reply was—the Government has admitted it—that there were 35 encroachments in Kurla West, one in Kurla East, four in Mulund, one in Chembur and 25 in Vikhroli. These encroachments have been there since very long and it is admitted that they are causing hindrance to the commuters or the passengers. I would like to know what stps the Railways are going ot take to get these encroachments removed for the free flow of passengers.

Sir, my last submission would be that there is a railway plot at Allahabad known as the Rambagh railway siding plot. For the last 30 or 35 years, people have been dealnig with the business of coal there. Earlier they were at some other place. Then they were removed to a second place. Now they are at a third place. They are also giving licence fee to the Railway Department and receipts also are being issued to them. Some Railway officials have asked them to vacate. My only submission is that if they are occupying it on the basis of a lease and they are paying the licence fee, then they should not be disturbed because it will affect about 50 families, which means at least 500 to 1000 people.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Kindly conclude now.

SHRI SATYA PRAKASH MALAVIYA: That is all.

DR. SHRIKANT RAMCHANDRA JICHKAR (Maharashtra): Sir, out of the total commuter traffic in Bombay, 75 per cent is shared by the suburban railway system. Now, if the commuter traffic has to be improved, heavy reliance has to be placed on the improvement of the suburban railway system. Whenever the State...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Jichkar, this question relates to...

DR. SHRIKANT RAMCHANDRA JICHKAR: Commercial exploitation.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): So, you limit your questions only to that.

DR. SHRIKANT RAMCHANDRA JICHKAR: My point is specific about commercial exploitation. Now the Government of Maharashtra approached the Railway Ministry for the new suburban railway projects. The Railway Ministy says that since it is a part of the urban planning, it has to be funded by the State Government. So, the State Government came up with a proposal for the commercial exploitation of a plot near the Bandra railway station, and agreed to

change the user. There were preliminary meetings with the Railway Ministry, and after a preliminary agreement, the Government of Maharashtra agreed to change the user of that plot in Bandra for commercial exploitation, and a condition was laid that with the proceeds from the commercial exploitation of that plot in Bandra, the suburban railway system should be improved. Now, there is one legal problem which seems to have arisen. The Railway property, being the property of the Government of India, whatever proceeds will come from the commercial exploitation of that plot in Bandra will have to go into the Consolidated Fund of India. If the money goes into the Consolidated Fund of India, there is no legal means whereby that money will be spent on the improvement of the suburban railway system. Now, I want to know from the Minister whether some mechanism has been evolved to see that the proceeds from the Bandra plot go for the improvement of the suburban railway system, as has been laid as a condition by the Government of Maharashtra. This is my first ffuestion.

Sir, my second question is that the Railways have suggested that there should be a tripartite agreement, between the Government of Maharashtra, hte IRCON, that is, the Indian Railway Construction Company, and the Department of Railways. And if this tripartite agerement is made, then this legal problem can be averted. That is what the Railways felt. So, the Government of Maharashtra, in July, 1989, accorded its approval and sanction for this agreement. But, for the last three years, even this outcome of the tripartite agreement is pending with the Ministry of Railways. So, I want to know from the Minister as to what is being done in this regard.

डा० अबरार अहमद (राजस्थान) : उपसभाध्यक्ष महोदय, इस सवाल में दो बातें अलग अलग हैं। एक तो एनक्रोचमेंट की और दूसरी कार्मशियल एक्सप्लायटेशन की । मैं माननीय मंत्री जी से यह जानना चाहूंगा कि जब किसी भी रेल भूमि पर किसी का भी नाजायज कब्जा होता तो उसके लिये वह रेलवे में किसी को उत्तरदायी ठहराते हैं ? यह किस की जिम्मेवारी होती है कि कब्जा न होने दें ? कब्जा हो जाता है तो क्या किसी प्रकार की आप कोई कार्यवाही करते हैं ? क्या भविष्य में रेलवे की भूमि पर नजायज कब्जा करने के लिये साथ साथ रेलवे कर्मचारी की नेग्लिजेंस के बारे में भी कभी कोई एक्शन लिया गया है ? इसके साथ साथ जो लोग नाजायज कब्जा कर लेते हैं, क्या कुछ बिजनैसमेन या पूंजीपति वहां पर अपने गोदाम बना लेते हैं, जैसे नई दिल्ली रेलवे स्टेशन पर मैंने देखा है कि कैम्पा के गोडाउन बने हुये हैं? क्या रेलवे की भूमि पर इस प्रकार के केसेज और जगहों पर भी हैं ? इसके साथ साथ मैं मंत्री जी से ऐनक्रोचमेंट के बारे में जानना चाहूंगा कि इस संबंध में कितने केसेज चल रहे हैं और सबसे पुराना केस कितनी अवधि का है ? जहां तक कार्मशियल एक्सप्लायटेशन की बात है उसके बारे में दो बातें मैं साधारण रूप से जानना चाहूंगा । आप जब कार्मशियल यूज के लिये भूमि को किसी को देते हैं तो उसको वापस लेने का आपका क्या तरीका है ? इस बात की क्या गारन्टी है कि वह व्यक्ति आपको भूमि न लौटा करके कोर्ट में चला जाय और वर्षों तक आपको कोर्ट में घसीटता रहे जिसकी वजह से आपकी रेलवे के विस्तार की जो योजना है वह भी रूक जाय ? आप आज एक निश्चित अवधि के लिये भूमि देते हैं लेकिन वह आपको कभी नहीं मिल पायेगी । इस चीज को रोकने के लिये आप क्या कर रहे हैं ? इसके साथ साथ मैं यह भी जानना चाहता हूं कि लोगों की उपयोग के लिये आप जो भूमि देंगे उसका देने का क्या तरीका होगा ? क्या आप अखबारों के अन्दर कोई टेंडर निकालेंगे या कोई एडवरटाइजमेंट देंगे या कैसे लोगों को आमंत्रित करेंगे या कोई ओक्शन करेंगे जिससे जो भी आये, ज्यादा पैसा देकर भूमि को ले लें ? आपका क्या मैथड होगा, क्या तरीका होगा ? सार्वजनिक रूप से आपको ज्यादा से ज्यादा लाभ मिले, इसके लिये क्या तरीका होगा, यह मैं जानना चाहता

[डा० अबराफ अहमद]

हूं । मैं यह भी जानना चाहता हूं कि अब तक कार्मशियल यूज के लिये आपने जो भूमि दी है वह कितनी दी है, कहां दी है और कितनी कीमत पर दी है?

श्री अन्तर सिंह देवशंकर दवे (गुजरात) : उपसभाध्यक्ष जी, मैं छोटी-सी तीन बातें माननीय मंत्री जी से जानना चाहूंगा । अपनी बजटरी स्पीच में माननीय मंत्री जी ने इस हाउस में और लोक सभा में बताया था कि रेलवे के डेवलपमेंट वर्क के लिये आपको करीब 70 करोड़ चाहिये । इसमें इस वक्त मैं नहीं जाना चाहता । लेकिन आपने इस सवाल का उस दिन जो जवाब दिया है उसमें बताया है कि कार्मशियल एक्स-प्लाइटेशन के लिये आपने एक कमेटी बनाई है और उस कमेटी की इंटरिम रिपोर्ट भी आपके पास आ गई है । मैं आपसे यह जानना चाहता हूं कि उस कमेटी की जो इंटरिम रिपोर्ट आई है उसमें क्या क्या सिफारिशें की गई हैं?

दूसरी बात यह है कि आप चाहते हैं कि आपके पास पैसा आये । कार्मशियल डेवलपमेंट के लिये आपके पास बहुत-सी जमीन पड़ी हुई है । इस संबंध में मैं एक सुझाव देना चाहता हूं । अभी-अभी गुजरात में कच्छ डिस्ट्रिक्ट में जो कि एक बैकवर्ड डिस्ट्रिक्ट है, वहां मैन हैडक्वार्टर में अर्थात् भुज में आप उस शहर से सारे स्टेशन को बस्ती से बाहर ले गये है । वहां लैंड खाली पड़ी हुई है । हमारी बहुत सालों से डिमांड है कि गांधीधाम से भुज तक मीटरगेज लाइन को बोडगेज लाइन में कन्वर्ट किया जाय, वह लैंड वहां पर पड़ी हुई है । अगर आप उसका कार्मशियल एक्स-प्लाइटेशन करेंगे तो 56 किलोमीटर जगह है तो उसी रकम से यह काम हो सकता । आप ऐसा नहीं करते हैं तो उस पर अभी थोड़ा थोड़ा ऐनक्रोचमेंट शुरू भी हो गया है क्योंकि लैंड खाली पड़ी हुई है, स्टेशन दूसरी जगह चला गया है, स्टाफ दूसरी जगह चला गया है, आफिस दूसरी जगह चला गया है । वहां पर कोई नहीं है । इसलिये मेरा सुझाव है कि यह जो प्राइवेट प्रोजेक्ट आप बड़े शहरों से करने जा रहे हैं उसकी आप छोटे शहरों से शुरुआत कीजिये । आपकी इस योजना को हम स्वीकार करते हैं क्योंकि इससे रेलवे को फायदा होगा । आपके पास फंड नहीं है । आप बार बार कह रहे है कि हमारे पास फंड नहीं हैं । इसलिये आपके पास जो जमीन पड़ी हुई है उस पर आप ऐनक्रोचमेंट रोकिये । इसलिये आप मेरे सुझाव को स्वीकार कीजिये और आपके पास जो इंटरिम रिपोर्ट आई है, वह क्या है, यह भी बताइये ।

श्रीमती सय्यद बहिन (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, वास्तव में रेलवे की बहुत बड़ी भूमि जो फालतू पड़ी हुई है, लगभग 60 हजार हेक्टयर भूमि बेकार पड़ी हुई है, इसमें से ज्यादातर भूमि पर इन्क्रोचमेंट हो गया है । वहां पर झुग्गियां पड़ गयी हैं या व्यावसायिक प्रयोजन के लिए लोग उसका उपयोग कर रहे हैं । इसका सरकार को कोई फायदा नहीं है और न कोई जानकारी है । रेलवे एक बहुत बड़ा संस्थान है । इसकी इतनी अधिक भूमि है, इतनी बड़ी यह रेलवे की सम्पत्ति है लेकिन इसकी देखरेख कौन करता है ? मैं यह जानना चाहती हूं कि रेलवे विभाग में कौन सा ऐसा अधिकारी है, ऐसा विभाग है जो रेलवे की भूमि की देखरेख करता है । मैं समझती हूं कि इस रेलवे की भूमि पर जिस प्रकार से इन्क्रोचमेंट हुआ है, उसमें जो झुग्गियां बनी हैं इसकी किसी को परवाह नहीं थी । किसी को मालूम नहीं था कि यह रेलवे की सम्पत्ति है । लावारिस पड़ी हुई जमीन पर जिस तरह से धड़ाधड़ कब्जा हुआ, मैं रेल मंत्री जी से यह अनुरोध करना चाहती हूं कि यह भूमि बड़ बड़े मैट्रोपोलिटन सिटि जैसे आगरा, दिल्ली, कलकत्ता, बंबई, मद्रास तथा और भी एसे शहर हैं, वहां पर यह बेशकीमती जमीन है । जहां कृतक मेरी जानकारी है जो झुग्गियां डाली गई हैं वे ठेके के हिसाब से पैसे लेकर डलवाई गई है । इसमें कोई रेलवे विभाग का हाथ रहा हो ऐसा मैं नहीं कहती । लेकिन इतने बड़े पैमाने पर रेलवे की जमीन पर झुग्गियां पड़ी हैं लेकिन रेलवे को पता ही न चला हो, ऐसा नहीं हो सकता । इसमें

रेलवे विभाग के अधिकारियों का कहीं हाथ रहा है, सहयोग रहा है, या इनका कोई इन्टरेस्ट रहा है। मैं ऐसा नहीं कहती कि इन्होंने पैसा लेकर अपने मित्रों को बसाया, अपने परिचितों को वहां पर बसाया।

महोदय, इस जमीन के सही उपयोग के लिए जिस योजना की ओर मंत्री जी ने इशारा किया है वह यह है कि इस रेलवे की फालतू पड़ी भूमि को, जिसमें इन्क्रोचमेंट हुआ है, उसको वापस लिया जायेगा। यह इतना आसान नहीं है। इसमें कहीं राजनीति आड़े आयेगी, कहीं मानवीय दृष्टिकोण आड़े आयेगा। गरीबों को कैसे उजाड़ा जाय, इसमें राजनीति आ जायेगी और कहा जायेगा कि उनको न उजाड़ा जाय, उनको यहीं पर बसने दिया जाय। आर्थिक संसाधन जुटाने के लिए, आर्थिक स्रोत के लिए इसके उपयोग हेतु मंत्रालय ने जो एक योजना बनाई है, मैं समझती हूं कि अगर सही मायने में इस योजना को कार्यान्वित किया जाय तो इस जमीन पर बहुत तरीके से काम किया जा सकता है। रेलों में बड़े एक्सीडेंट्स होते है। इन दुर्घटनाओं में मृतकों को मुआवजा दिया जाता है। रेलवे कर्मचारियों को भी अपनी सेवा में कई-कई बार दुर्घटनाओं का शिकार होना पड़ता है, कुछ सर्विस के दौरान मर जाते हैं। ऐसे में रेलवे विभाग की जिम्मेदारी उनके परिवारों की देखरेख करने की हो जाती है। तो मेरा अनुरोध है कि इसके उपयोग के लिए व्यावसायिक प्रयास किये जाने के साथ ही एक व्यापक कल्याणकारी योजना भी बनानी चाहिए और शहरों में जितनी भूमि है—कुछ देहाती इलाकों में भी बहुत से लोगों ने जबर्दस्ती रेलवे की जमीन को कृषि के लिये ले लिया है, वे उसको जोतते हैं, वहां अनाज पैदा करते हैं, इसमें बुराई नहीं है। बुराई तो यह है कि रेल विभाग इसकी देखरेख नहीं करता। तो ऐसी जमीनों पर अगर मकान बनेंगे या दुकानें बनेंगी तो उसको आप कितने समय के लिये उन्हें देंगे? क्या उनको हमेशा के लिये दे देंगे या उसको किराये पर देंगे या किसी निश्चित दर से देंगे इस जमीन को आप सामाजिक संस्थाओं को देंगे या किस को देंगे, इन सब बातों को ध्यान में रखकर आपको एक योजना बनानी पड़ेगी। मैं समझती हूं कि वालेंटरी आर्गनाइजेशन जो हैं, जो लोग बेरोजगार हैं, जो कमजोर वर्ग के लोग हैं उन लोगों को आपको इसमें प्राथमिकता देनी चाहिए ताकि सरकार अपना नैतिक दायित्व पूरा कर सके।

उपसभाध्यक्ष (श्री एच० हनुमनतप्पा) : खत्म कीजिए।

श्रीमती सत्या बहिन : कांग्रेस का जो चरित्र है कमजोर वर्गों को सब तरह से सहायता पहुंचाने के लिए वह भी पूरा हो और रेलवे की जो सम्पत्ति है सही मायने में उसका उपयोग भी हो और कुछ आर्थिक साधन भी मिलें। मेरा यही अनुरोध है। धन्यवाद।

SHRI JAGMOHAN (Nominated): Sir, it is not at all clear as to whether the land-use planning has been done with regard to these lands, whether it has been assessed that in the master plan of the metropolitan area the land use is commercial, what are its owning regulations. I think the Railways is taking a sectional view of the things, it does not seem to have made any assessment. What will be the impact on infrastructural facilities of the city? When you commercialise land in Delhi or in Bombay or in Calcutta, what will be its impact on water, electricity, sewage disposal and other public utilities? Just to say that the land is lying, it is my asset and I must use it in any way I like, I think it is taking a very very narrow view of the thing, it is just taking a financial view of the thing and ignoring much more fundamental aspects of proper planning, comprehensive planning, of environment, size of the city and the impact on the population. If you commercialise these lands, what about the traffic? Who will be creating the parking space? Therefore, the best way of dealing with this problem is, first, assess what is the use of the land, what are the present-day requirement of traffic, water supply, electricity, sewage, disposal and then dovetail it with the master plan of the metropolitan region in the light of the existing requirements, not what were there 20 years before, and pass these lands on to the local authori-

[Shri Jagmohan]

ties, to the local development authorities at negotiated price. The Railways can have its price depending upon the land-use of depending upon the price of the land, owning regulations, etc. Then it should be left to the local authorities to go in for comprehensive planning, what is required for traffic regulation, what is required for low income housing, what is required for rehabilitation purposes and what is requierd for future use. Otherwies, the population of the city would mount further. Many more environmental problems will arise. Already we are saying that such and such city is the most posonous city, and when more commercial activity takes place more and more jhugis will come. Unfortunately, no one is doing comprehensive planning with regard to land. If you really want to make a proper plan, you have to take totality of the circumstances in view and not the sectional view. Otherwise, in my view this whole exercise needs to be reviewed and reviewed in consultation with the local authorities, local development authorities. The requirements of the city and the metropolitan towns have to be taken into account from all angles, not from the commercial point of view. Otherwise, the Railways may gain, but many other people would lose tremendously and the nation would lose tremendously.

SHRI JOHN F. FERNANDES (Goa): Mr. Vice-Chairnman, I have to compliment the Railway Ministry as faras clearance of the encroachment on railway land is concerned because this land gives rise to slums in urban areas and there the slums are controlled by slum mafia in connivance with the railway officials. I do not think that the encoachment is creating slum problem only, it is also creating problems of congestion, health hazards and degradation of environment.

As far as commercial exploitation by the Railways is concerned, I think it is not a wise step on the part of the Government. It is totally unethical. The land does not belong to the Railways. It was not the Government land. It was acquired by the Railways under the Land Acquisition Act for the purpose of public utslity. This land belongs to the poor people of this country. If you use this land for commercial purposes, it will not be legal and permissible. I know the hon. Minister is facing a problem of financial constraint. But this land should be utilised for public utility, for hospitals, for colleges, for gardens, for parking, etc. Whenever we start construction on a Hiphway, the forest land is acquired and it is the dusy of the PWD to see that the whole land is given to the forest department for afforestation. In the railways we see that a lot of land is lying vacant in the rural arsas. If this land is cultivated by the railways, I don't think there will be any encroachment. So I would request the hon. Minister to see that psople's cooperation is found in the rural areas so that this land can be cultivated by the people on a lease basis.

Sir, we have a problem in Goa. We are a free country now, but again land has been acquired indiscriminately, beyond the proportion of the railways' needs. I think they have the commercial purpose in mind there also. It is said that for the Konkan Railway they are going to have 100 metres on either side of the track so that there is no encroachment. I can understand it that this system was adopted by the British, but our railways should not go in for the possession of excess land at the moment. So, I feel that the hon. Minister will consider the legal implications of commercialization of railway land in our repion.

Thank you, Sir.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Shri S. P. Mishra...Absent. Yes, Mr. Minister.

SHRI MALLIKARJUN: Sir, my hon. friend, Mr. Kalmadi, has raised two points. One is about encroachments. He has said that if the encraches are evicted, they should be rehabilitated and the Government should build low-cost houses. Sir, here the policy is very clear. The railways are proceeding to evict the encroachments under the PIPE Act and so

on and so forth. However, rehabilitation on humanitarian grounds or any other consideration is the responsibility of the State Government. So, the railways can neither compensate them nor rehabilitate them. This is the clear position. He has said that there are some poor people who have been living for a long time and during monsoons the eviction orders are coming. In fact, the railways are resraining themselves in evicting such vulnerable sections of the society and, in fact, the railways are helpless in evicting them for various reasons.

So far as exploitation of the land is concerned, Sir, earlier I have given a little background, and right now also I will give the background. We have 4.19 lakh hectares of land in the railways, out of which 61,000 hectares are lying vacant. These 61,000 hectares lying vacant does not mean that we are going to exploit all these 61,000 hectares for commercial purposes. This land is meant for the future development of the railways itself. For this reason we have constituted an expert committee to identify the areas where the possibility of exploitation is there. It is for this purpose that this expert committee has been constituted.

Now I will answer some of the hon. Members so that finally the picture will be very clear. Bandra and Vashi were mentioned, and this is how one pilot project was taken up at Bandra. Another hon. Member who is equally interested is Dr. Jichkar. He is also connected with Bandra. As he has rightly said, suburwan areas need much more attention. What has happened is, a stage has come when the Maharashtra Government, that is, the Bombay Metropolitan Development Authority, has come forward that it will agree to the change of land use for commercial purposes. Whatever proceeds come that should be spent for development of the suburban or other railways in that way. So, in this case, Sir, the railways had a tripartite consideration. Finally, in regard to what the hon. Member has asked, the proceeds which will come out of its commercial exploitation, will have to be deposited in the Consolidated Fund of India. On this the BMDA did not arege because its own purpose would be defeated. Therefore, we have involved our own organisation, the IRCON. That is how the discussoins have taken place between the IRCON, the railways and the BMDA. Finally, the position is that only this pilot project at Bandra is going to be placed before the Cabinet for its clearance. This subject was discussed with the Finance Ministry, the Law Ministry and the Planning Commission. This is about depositing the money in the Consolidated Fund of India. However, Finance and Planning have agreed that whatever surplus amount we will be gettin gout of the commercial exploitation, will be treated as additionality to railway planning. That means, this can ben used for the railways. So, this is the opsition as far as the Bandra Pilot Project is concerned. No other project we have taken up as yet.

Daveji was asking about the expert committee and its, preliminary report. The expert committee which has been constituted, has gone into various aspects. It has been able to locate only 61 locations. About these 61 loctaions also we have not yet taken any action because the pilot Project has to be finally cleartd by the Cabinet and then we have to look into it. We are expecting a final report from the expert committee on this land matter.

Our hon. Member, Dr. Abrar Ahmed, has rightly asked whether we would be able to get it vacated after a certain period or not. It involves a number of legalities. Other modalities have to be worked out on how it will be practicable. Actually, we are utilising the space. The land will remain for the purpose of the railways itself. We have to wait for the export committee report about the modalities, legal complications and so on and so forth.

The hon. Member, Dr. Abrar Ahmed, has asked about the land which has been occupied by Campa Cola. It is true that there are two such cases. One is in Bombay, and the other is in Delhi. Sir, it was was given on lease for ten years or so. Later it has come under a litiga-

[Shri Mallikarjun]

tion. The party went to the court. An arbitrator was appointed. The arbitrator gave an award. That was also noted. Still the case is pending beofre the court. That is why for other also we have to tkae the required legal preventive measures. I have made one point of the hon. Member, Dr. Abrar Ahmed, about commercial exploitation, clear.

Another point is about the encroachment. Sir, it is true, as Malaviyaji has referred to it, there is about 1,719 hectares of land under encroachment. That is, about 1,70,000 encrocahments are there. State officers have passed eviction orders in 14,169 cases. To evict them. The railways need the the co-operation of the local civil and police authorities. We are not bale to get it properly. The Railways have taken it up with the State Governments. Our General Managers have ben speaking to the Chief Secretaries to give the required assistance in order to vacate the areas where orders have been passed. Apart from that still there are 26,600 cases before the Estate Officers. In the civil courts there are 15,086 cases pending. So, practical difficulties are there. I hope I have made the points clear to the hon. Member, Dr. Abrar Ahmad. If still there are some points which are not clear to him, he may let me know. I will clarify them.

Our senior Member, S.P. Malaviya Ji, spoke about the Allahabad case. I don't have the information with me. I will check it up and reply to him.

Our friend, Shri Kalmadi, asked about the earning out of this exploitation. Actually, we have not earned anything. It is only the Bandra pilot project which still has to be cleared. If it is cleared, we expect to get Rs. 60 crores.

SHRI JAGDISH DESAI (Maharashtra): What is the area?

SHRI MALLIKARJUN: It is about four acres of land. (*Interruptions*). This is only an asessment. Other cases we have not assessed at all. This is just a rough assesment.

MGIPND—L—419 RS—4-2-94—400

Another very important thing which the hon. Member, Jagmohan Ji has mentioned is about the infrastructural facilities if we are going to exploit the land in the urban area. We had a meeting with the Urban Development Minister, the Transport Minister and the Energy Minister before we came to the conclusion to vacate the area even for the pilot project of Bandra. In that meeting all of them agreed for it, but it has been decided to place it before the Cabinet. We totally appreacitae whether it is in terms of water, electricity, parking or any other facility, but still wherever it is possible the Urban Arts Commission will not give permission for construction of anything unless and untill they are satisfied.

These are the few points about land exploitation. Above all, I would make it clear that we are not selling an inch of the land. The land will be utilised for the Railway development only. The place will be exploited to have additional resources, because we are having a dwindling Budgetary support to the Railways and we need money for development. I am happy, our frind, Shri Kalmadi has appreciated the point that money can be used for conversion purposes.

AN HON. MEMBER: He has already gone.

SHRI MALLIKARJUN: He has already appreciated it. So, we will utilise it for conversion and other projects, the areas where we need money. Thank you very much.

THE VICE -CHAIRMAA (SHRI H. HANUMANTHAPPA): The House will take up clarifictaions on the Finance Minister's statement tomorrow.

The House now stands adjourned till 11'oclock tomorrow.

The House then adjourned at fifty-nine minutes past six of the clock till eleven of the clock on Friday, the 31st July, 1992.